



MIAMI BEACH

OFFICE OF THE CITY MANAGER

COMMITTEE MEMORANDUM

TO: **Neighborhood/Community Affairs Committee**

Commissioner Edward L. Tobin, Chair
Commissioner Jerry Libbin, Vice-Chair
Commissioner Jorge Exposito, Member
Commissioner Jonah Wolfson, Alternate

FROM: Kathie G. Brooks, Interim City Manager

DATE: December 17, 2012

SUBJECT: MEETING OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE
(NCAC) ON MONDAY, December 17, 2012

A meeting of the Neighborhood/Community Affairs Committee has been scheduled for Monday, December 17, 2012 at 3:00pm in the Mayor's Conference Room, 4th Floor of City Hall.

The agenda for the meeting is as follows:

OLD BUSINESS

1. **Discussion Regarding A Request Related A Plaque Being Placed At City Hall In Honor Of Rose Weiss, As The Rose Weiss Park Is Now Known As The Washington Park & Community Garden.**

Commission Item C4A, July 18, 2012

(Requested by Commissioner Exposito)

Kevin Smith, Parks and Recreation Department Director

2. **Discussion Regarding Amending The City Code To Provide For Alternative Enforcement Means And Establish A Fixed Fine Schedule For Certain Provisions.**

Referred at February 8, 2012 Commission, Item C4E

(Requested by Administration)

Deferred at March 27, 2012 NCAC

Hernan Cardeno, Code Compliance Division Commander

3. **Discussion Regarding Enhancing The Entrances Of The BeachWalk.**

Referred at September 12, 2012 Commission, Item C4H

(Requested by Commissioner Gongora)

Fred Beckmann, Public Works Department Director

4. **Discuss Naming 8th Street After Tony Goldman.**

Commission Item C4M, October 24, 2012
(Requested by Commissioner Tobin)
Discussion Only (No Memo)

Max Sklar, Acting Assistant City Manager

5. **Discussion Regarding Criteria For Calling Special Meetings Of The City Commission.**

Commission Item R7H, October 24, 2012
(Motion made by Commissioner Tobin to refer the item for criteria upon Resolution No. 2012-28043 was adopted)

City Attorney's Office

6. **Discussion Regarding A Resolution Urging The Florida Legislature To Exempt From Public Records Disclosure Absentee Ballot Requests And Personal Information Included On Such Requests.**

Commission Item R9C, October 24, 2012
(Requested return to NCAC by Commissioner Weithorn)

City Attorney's Office

NEW BUSINESS

7. **Discussion Regarding Traffic Flow On 1st Street, In The Area East Of Alton Road And West Of Washington Avenue.**

Commission Item C4B, November 14, 2012
(Requested return to NCAC by Commissioner Weithorn)

Saul Frances, Parking Department Director

8. **Discussion Regarding Bringing V-Day To Miami Beach**

(Requested by Commissioner Jorge R. Exposito)

9. **Discussion Regarding A Potential Signage Program Establishing Miami Beach As A Hate Free Zone.**

Commission Item C4J, October 19, 2011
(Requested by Mayor Matti Herrera Bower)
Referred to Land Use- Removed from Neighborhoods Pending List

Neighborhood/Community Affairs Committee Meeting
December 17, 2012

**Discussion Regarding A Request Related A Plaque Being Placed At City Hall In Honor Of
Rose Weiss, As The Rose Weiss Park Is Now Known As The Washington Park &
Community Garden.**

*Commission Item C4A, July 18, 2012
(Requested by Commissioner Exposito)*

Kevin Smith, Parks and Recreation Department Director

ITEM #1



COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: Kathie G. Brooks, Interim City Manager

DATE: December 18, 2012

SUBJECT: **Discussion Regarding A Request For A Plaque To Be Placed At City Hall In Honor Of Rose Weiss, As The Rose Weiss Park Is Now Known As The Washington Park & Community Garden**

INTRODUCTION

The request to refer the above stated discussion to the Neighborhood/Community Affairs Committee was made by Commissioner Jorge R. Exposito and the City Commission at the July 9, 2012 Commission meeting. Please see the attached referral – Agenda item C4A.

BACKGROUND

A request to reinstall a plaque honoring Rose Weiss in the park currently known as Washington Park, located at 2nd Street and Washington Avenue was made by Mr. Aristotle Ares, a resident of Miami Beach and the retired Assistant Director of the City's Public Works Department on May 8, 2012. Mr. Aries stated the Washington Avenue Park was in fact named after Rose Weiss and that a bronze plaque was placed on the recreation building located in the park but at some point was removed and never replaced.

The Administration researched the matter and found that the City Commission adopted Resolution No. 75-14749 on June 18, 1975 renaming the City's Friendship Corner No. 2, located at Second Street and Washington Avenue, "Rose Weiss Park" in honor of Mrs. Rose Weiss. Additional research found a photocopy of photograph taken of the Weiss family in September of 1975 dedicating Rose Weiss Park located at the NE corner of Washington Avenue and 2nd Avenue, called the Friendship Corner on building that has since been demolished by the City.

In June of 2012 Dr. Abraham D. Lavender, Professor of Sociology at Florida International University sent an email to Ms. Lynn Bernstein of the City Administration providing substantial background and history of Rose Weiss and the plaque honoring her. (Please see the attached email dated June 6, 2012). There were subsequent email exchanges with the Administration and Professor Lavender concerning the City Commission resolution renaming the City's Friendship Corner No. 2 after Ms. Weiss and therefore the City could reinstall a plaque in Ms. Weiss' honor in the Washington Avenue park that had since been reconstructed as the Washington Avenue dog park if that was the interest and desire of the Weiss family. However, if the family wanted to have the plaque placed in an alternate location, then it would have to follow the code-required process to obtain approval. Ms. Bernstein then spoke with Wolf Feld the nephew of Rose Weiss and a former City of Miami Beach employee. Mr. Feld said he was speaking for the family and that they are not supportive of having the plaque in the dog park. They would like to see a plaque in honor of Rose Weiss at City Hall.

CONCLUSION

If the City Commission wishes to reinstall the plaque honoring Rose Weiss in a location other than the Washington Avenue Park and more specifically in a location to be identified in City Hall, it would require Commission action. In deciding to place a memorial plaque in City Hall there may be various issues to consider including but not limited to exact location, the potential for requests for additional plaques in the future, is there a need to develop criteria for installation of the plaque in City Hall such as historical significance or other determining factors of the individual being memorialized etc.?

It is requested the issue be discussed by the Neighborhoods/Community Affairs Committee and direction given as how to proceed with the matter.

KGB/MAS/KS

Attachments

F:\RCPA\ALL\Previous\KEVIN\Commission Committee Meetings\NCAC MEETING 12-18-12\NCAC- Discussion Plaque Honoring Rose Weiss In City Hall.doc



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathle Brooks, City Manager
Rafael E. Granado, City Clerk

FROM: Jorge R. Exposito, Vice-Mayor

DATE: July 9, 2012

SUBJECT: Referral to the Neighborhood/Community Affairs Committee

I would like to refer a discussion item to the Neighborhood/Community Affairs Committee regarding a request related a plaque being placed at City Hall in honor of Rose Weiss as the Rose Weiss Park is now known as the Washington Park & Community Garden.

We trust that you will find all in good order. Should you have any questions, please feel free to contact my aide, Barbie Paredes at 6457.

Best regards,

JRE/bp

We are committed to providing excellent public service and safety to all who live, work, and play in our city.

Agenda Item CYA
Date 7-18-12

TUESDAY 8 MAY 2012

CITY OF MIAMI BEACH
OFFICE OF CITY MANAGER
1700 CONVENTION CENTER DR.
MIAMI BEACH, FL 33139

COMMISSIONER JORGE E. EXPOSITO: (NOW THAT THE CITY MGR. IS LEAVING, I TURN TO YOU.) MANY THANKS.
JORGE M. GONZALES, CITY MANAGER: *cdh*

I WAS BORN ON MIAMI BEACH 58 YEARS AGO, & AS FAR BACK AS I CAN REMEMBER, MARJORY STONEMAN DOUGLAS NEVER DID ANYTHING FOR OUR CITY THAT WOULD RATE NAMING A PARK AFTER HER.

HOWEVER, I COULD WRITE A BOOK ABOUT THE ACCOMPLISHMENTS OF ROSE WEISS WHOSE NAME SHOULD HAVE APPEARED ON THAT PARK. INSTEAD, THE PARK AT WASHINGTON AVENUE & 2ND STREET WAS NAMED AFTER HER, & HER NAME WAS NOT EVEN MENTIONED ON THE ENCLOSED MAP. IT APPEARED ERRONEOUSLY AS "WASHINGTON PARK & COMMUNITY GARDEN".

HOPEFULLY, THE ERROR CAN BE CORRECTED SO THAT IT APPEARS AS "ROSE WEISS PARK & COMMUNITY GARDEN".

THE BRONZE PLAQUE BEARING HER NAME THAT WAS PLACED ON THE RECREATION BUILDING DURING THE CEREMONY DISAPPEARED & WAS NEVER REPLACED.

HOPEFULLY, THAT TOO CAN BE TAKEN CARE OF.

THANK YOU FOR YOUR TIME & HOPEFUL FAVORABLE CONSIDERATION.

Cristalle Cohen RET. ASST. PUB. WKS. DIR., C.M.B., 45 YRS.
5500 COLLINS AVE., #401
MIAMI BEACH, FLORIDA
33140-5530

(OVER)

CITY OF MIAMI BEACH



DEDICATION

ROSE WEISS PARK
Friendship Corner Number 2
Second and Washington Avenues
Miami Beach, Florida

Thursday, September 25, 1975, 2:00 p.m.

PROGRAM

Invocation..... Rabbi Leon Kronish

Welcome..... Mayor Harold Rosen

Comments..... Councilmen

Unveiling of Plaque..... Mayor Rosen
Councilmen
Milton Weiss

Mayor Harold Rosen
Vice Mayor Murray Meyerson

Councilmen

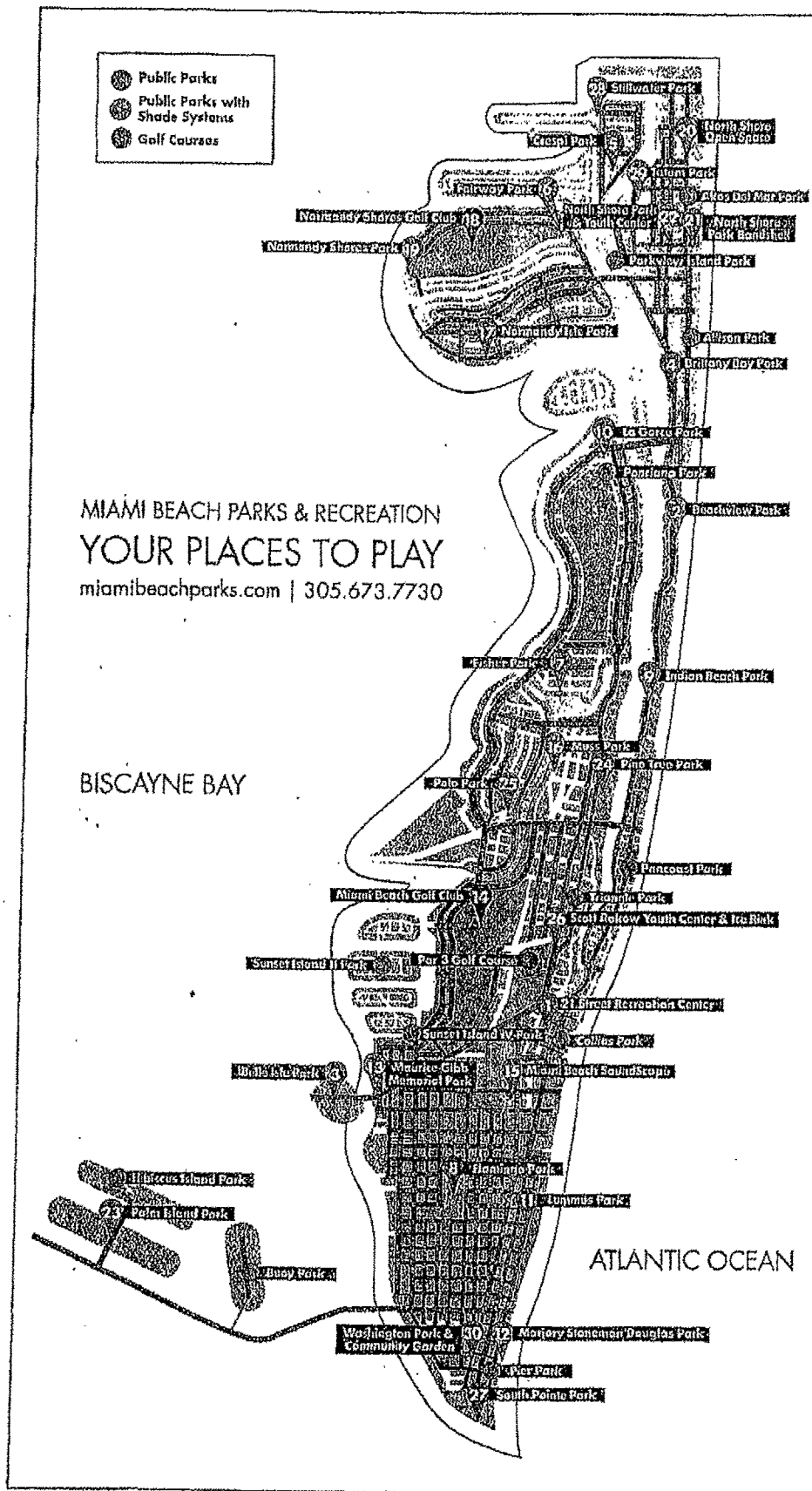
Dr. Leonard Haber
Hal Spaet

Dr. Simon Wikler

Phillip Sahl
Leonard Weinstein

City Manager Frank R. Spence

(OVER)



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**TWO SPECTACULAR
GOLF COURSES
ONE LOCATION:
MIAMI BEACH**



MIAMI BEACH GOLF CLUB

NORMANDY SHORES GOLF CLUB

**PREFERRED GOLF RATES
FOR MIAMI BEACH RESIDENTS!**

3-22-02

CUTS THROUGH RED TAPE, GETS ANSWERS TO PROBLEMS AND STANDS UP FOR YOU!

action

actionline@herald.com

Q&A

THIS PARK HONORS A SPECIAL WOMAN

Q When will the city of Miami Beach live up to its promise to restore Rose Weiss Park?

A recent Herald article noted the effort underway to restore the Flagler Monument built by Carl Fisher, but Fisher's good friend Rose Weiss is ignored.

Wolf B. Feld,
Miami Beach

A Don't worry, your aunt isn't being forgotten.

Renovation is planned for that park and the larger adjacent park, according to Nanette Rodriguez, a spokeswoman for the city of Miami Beach.

Rose Weiss Park, also called Friendship Corner Number 2, is adjacent to Washington Park, also known as Ocean Beach Park.

It's a corridor with a building on it at Washington Avenue and Second Street.

The park was named Friendship Corner Number 2 in 1973. Two years later it was renamed Rose Weiss Park.

It's one of three slated to be renovated in the near future.

The renovation will include an area where residents can play dominoes.

Right now, the renovation is in the bidding process, so no

firm date is available.

Rose Weiss came to Florida in 1920 and was active in city politics.

She was a charter member of the Miami Beach Chamber of Commerce, designed the official flag of the city of Miami Beach, ran the city's Welfare Department (as a volunteer) and raised more than \$5 million in War Bonds during World War II.

THIS STREET HONORS A SPECIAL MAN

Q Many Miami-Dade County streets are named after people. In particular, Northwest 14th Street near Jackson Memorial is John B. Mobley Way.

That's my last name, too, so I'm curious: Who was he?

C. Mobley,
Plantation

A In Miami Springs, he's remembered as "Honest John" — the man who helped bring Little League Baseball to Florida and once went to Havana to promote the rodeo.

His memory was honored by the street signs in January 1996, 23 years after his death. The signs were hung over four intersections along Northwest 14th Street in Allapattah.

Mobley, who lived in Miami Springs, was known for his many activities and civic involvement.

He was a member of the School Board, president of the Hialeah-Miami Springs Lions Club and honorary member of the Allapattah Lions Club.

The owner of the Mobley Appliance Co. and the John Mobley Tire Co., Mobley is probably best known for having started the Miami Mounted Police Force when he donated his white Tennessee walking horse Buddy to the police department.

RECALL

INFANT CAR SEATS MAY NOT BE SECURE

Graco Children's Products is recalling 918,990 Snuggly infant car seats equipped with a base manufactured in the USA between Aug. 31, 1999, and Feb. 28, 2002.

Please note that if you purchased a base through Graco Customer Service, your model number may not appear on the following list:

The models are:

7498G9, 7492R5, 7497HL, 7497SY, 7499LK, 7499N2, 841101, 841102, 841103, 841203, 8412T02, 8457DS, 8457DBV, 8457F3, 8457GP, 8457IND, 8457MA, 8457MV, 8457RG, 8457TMJ, 8457TMP, 8457YL, 8458AS, 8458AE, 8458B7, 8458DB, 8458PKB, 8458HE, 8458HH, 8458KY, 8458NS, 8459VL, 8460LV, 8462HAY.

WRITE ACTION LINE, THE HERALD, 1 HERALD PLAZA, MIAMI

From: Abraham Lavender [<mailto:lavender@fiu.edu>]
Sent: Wednesday, June 06, 2012 6:21 PM
To: Bernstein, Lynn
Cc: Abraham Lavender
Subject: Rose Weiss Plaque (Abe Lavender)

Hi Lynn,

Nice talking with you today, and I've very pleased to see the interest in a plaque to Rose Weiss. To give you some information on Rose Weiss, I am attaching a short biography (listing many of her contributions) which I wrote about her when we had a spelcal ceremony in the Commission Chambers to honor her on the occasion of Miami Beach's 92nd birthday, May 26, 2007. In item 8, I have listed some of these accomplishments and some comments made at her death.

I also am forwarding you some correspondence from the Miami Beach Historical Association from 2009 (yes, this has been going on for a long time) to give you some history of this project, showing the Miami Beach Historical Association's attempt to honor her with a plaque. I realize you time is valuable, so I have noted some important notes from the emails:

(1) The Miami Beach Historical Association (MBHA) has voted to support (even financially if necessary) a plaque to Rose Sayetta Weiss, the "unofficial" mother of Miami Beach.

(2) Our general feeling was that the plaque should be at either City Hall where she devoted so much time, or at 221 Collins Street where she and her family lived and operated an apartment building for many years. Although in the email below I suggest 221 Collins Avenue, we, the MBHA, are open to either location.

(3) As the emails below show, Rose's granddaughter, Alexa Rossy, who lives on Normandy Isle, and is now our major contact with the family, is also open to both locations, although I believe she prefers City Hall. She says, for example, "Could be more appropriate at City Hall near the City of M Bch flag that she designed. However, wherever the plaque ends up, I am thrilled..."

(4) I should point out, however, that I was moving toward supporting 221 Collins Avenue instead of City Hall only because it looked like the Miami Beach Historical Association would have to sponsor this instead of the City of Miami Beach. We never received any opposition from the City, so far we just have not been able to find the right person to pursue this at City Hall.

(5) The MBHA has voted to have a plaque erected, and we have approved approximately \$700 for this purpose. I have developed tentative plans, but we still have hope that the City of Miami Beach will erect the plaque, at either of these locations.

(6) The apartment building (now a condo building) at 221 Collins Avenue was owned and operated for many years by the Rose and Jeremiah Weiss family. Dave Patlak is an owner there. I asked Dave to see if his condo board would approve of a plaque being placed in front of the building, and the board approved this request. I have talked with Dave about this, and the offer is still open.

(7) I have attached a biographical essay which I wrote on Rose Sayetta Weiss. On May 26, 2007, on Miami Beach's 92nd birthday, the MBHA and the city sponsored a ceremony at City Hall to Honor Rose Weiss as the unofficial "Mother of Miami Beach." Carrie Sue Ayvar, a local Chautauqua Scholar, gave a dramatic portrayal of Rose Weiss's life, sponsored and paid for by the Mayor's Office and the MBHA.

(8) In my essay, I note that Polly Redford, in her book *Billion-Dollar Sandbar: A Biography of Miami Beach*, wrote about Rose Weiss "...who was soon to become Mama to all South Beach, and eventually the whole island (p. 138)....In time, she became a kind of unofficial mother to South Beach..." (p. 172). Howard Kleinberg, in his book *Miami Beach*, wrote, after discussing a number of Rose's contributions to the city, that "Rose Weiss came to be known as the Mother of Miami Beach, and also the 'Eighth Councilman' of the city, so frequent was her attendance as a watchdog and advocator at council meetings..." (p. 85).

(9) More specifically, for overall comments about Rose Weiss, I also wrote in my essay: In her obituary in the *Miami Herald* on August 8, 1974, along with a photograph and a large headline ("Mother of Miami Beach", Rose Weiss), Lee Ann Schlatter wrote that "Candidates for office in Miami Beach sought her advice over the years." Miami Beach major Chuck Hall was quoted as saying "She was like a mother to me and to everyone who knew her...Anyone who had a problem or needed to know the feeling of the people of Miami Beach went to Rosie as we called her. She always had her finger on the pulse of the people." Councilman Leonard Weinstein was quoted as saying "She was undoubtedly one of the great ladies of Miami Beach. She was something of a matriarch. She was a leader of innovations in the school board, and helped see that Miami Beach developed the way it did." City Attorney Joseph Wanick noted that she earned the title of unelected councilman because "she never missed a meeting...She was always there in the front row, and when she spoke up, she got attention. We always knew she was speaking in the public interest." It is said that she attended every city council meeting between 1921 and 1959.

As noted in the essay, she also designed the city's flag (referred to by her granddaughter, Alexa Rossy) and originated the city's motto: "Forward With Caution."

I look forward to pursuing this project.

Thanks,

Abe Lavender

Dr. Abraham D. Lavender, Professor of Sociology

Dept. of Global and Sociocultural Studies [Sociology, Anthropology, Geography]
Florida International University
Miami, Florida, USA 33199

lavender@fiu.edu, Office: 305-348-3672, Cell: 786-261-6892

Editor-in-Chief, *Journal of Spanish, Portuguese, and Italian Crypto Jews*; President, Miami Beach Historical Association; President, South Florida Association of Phi Beta Kappa

Neighborhood/Community Affairs Committee Meeting
December 17, 2012

Discussion Regarding Amending The City Code To Provide For Alternative Enforcement Means And Establish A Fixed Fine Schedule For Certain Provisions.

Referred at February 8, 2012 Commission, Item C4E

(Requested by Administration)

Deferred at March 27, 2012 NCAC

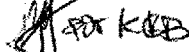
Hernan Cardeno, Code Compliance Division Commander

ITEM #2



COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Kathie G. Brooks, Interim City Manager 

DATE: December 10, 2012

SUBJECT: **REFERRAL TO THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE - DISCUSSION REGARDING AMENDING THE CITY CODE TO PROVIDE FOR ALTERNATIVE ENFORCEMENT MEANS AND ESTABLISH A FIXED FINE SCHEDULE FOR CERTAIN CODE VIOLATIONS**

BACKGROUND

The Code Compliance Division of the Building Department is responsible for enforcing many provisions in the City's Code of Ordinances (Code). When a Code Compliance Officer (CCO) observes a code violation, a Courtesy Warning or a Notice of Violation is issued. Depending on the language of the particular section of the Code, the violation is dealt with in one of two manners:

- The violator is provided time to correct or come into compliance with the Code. If compliance is not achieved, the Code Compliance Division schedules the violation for a hearing before the Special Master. The Special Master has the authority to provide additional time to come into compliance or determine guilt or innocence, and set a penalty amount if the violation is upheld.
- In the other scenario, a specific fine is associated with the violation in the Code. The violator has the option of paying the fine or appealing the violation before the Special Master. The Special Master may, as above, uphold or dismiss the violation.

Recent amendments to the Code where the Code Compliance Division is responsible for the enforcement of particular sections of Code, such as with the noise ordinance and artist vendor ordinance, have included a set fine schedule where the fines are specifically outlined in the Code for each violation. Violations may be appealed pursuant to the provisions of Chapter 30 of the Code of the City of Miami Beach. At the March 21, 2012, City Commission meeting, an ordinance amendment was passed on first reading, amending four (4) sections of Code dealing with Peddlers and Solicitation and establishing a fine schedule.

With these types of violations, and because the violations have already occurred at the time the Notice of Violations (NOV) are issued, it is more appropriate to address them through a set fine schedule as opposed to the relative subjectivity of the Special Master fine process. A violator can elect to pay the fine as outlined in the established fine schedule or request an administrative hearing before the Special Master. This ensures that the violator is afforded the statutory due process.

The Administration proposes to establish fine schedules for ten (10) of the most commonly issued code violations enforced by the Code Compliance Division that do not have established fines. It is anticipated that this will be the first set of revisions in this manner with more to follow as other Code provisions are deemed suitable for such an established fine schedule.

A key component of this recommendation is that in addition to establishing consistent fines for violations, this fine schedule will also reduce the number of cases that appear before the Special Master, thereby reducing their already overwhelming caseload. It will also serve to expedite the scheduling of hearings, thereby reducing the turnaround time from violation to adjudication, and ultimately compliance. This process will also eliminate the need of residents and business owners who aren't appealing the violation from having to attend the Special Master hearing, to know what the imposed fine will be. Lastly, this process will reduce the time Code Compliance Officers spend preparing for and presenting at the Special Master, since the case volume will be reduced, allowing for the Code Compliance Officers to spend more time in the field.

RECOMMENDED FINE SCHEDULE

The Administration is proposing five (5) levels of established fine schedules, as reflected in the table below. Chapter 30 of the Code would be amended to reflect the fine schedules in the table, and the respective sections of the Code would be amended to refer back to the new section in Chapter 30 when defining the penalties for violating that particular section. The fine schedule is designed so that the magnitude of the violation dictates the severity of the fine.

	1 st Offense	2 nd Offense	3 rd and Subsequent Offenses
A.	\$50.00	\$100.00	\$250.00
B.	\$100.00	\$250.00	\$500.00
C.	\$250.00	\$500.00	\$1,000.00
D.	\$500.00	\$1,000.00	\$2,500.00
E.	\$1,000.00	\$2,500.00	\$5,000.00

Below is a list of those existing Code provisions proposed for an established fine schedule, including the recommended fine schedule for the first, second, and third and subsequent offenses:

1. **Alcohol, Open Container** - Section 70-87(a)(3) makes it illegal for any establishment serving alcohol to knowingly allow any person to remove open containers containing alcoholic beverages from their establishment. The Code Compliance Division enforces this provision with the establishment. It is anticipated that by attaching an immediate fine to the violation, compliance will increase and disorderly conduct and litter will decrease. The proposal is for violations of this provision to be subject to **Fine Schedule B** above (\$100.00 for the first offense, \$250.00 for the second offense, and \$500.00 for the third and subsequent offenses).

2. **Selling alcohol after midnight at package stores** - Section 6-3(2) permits retail stores, including grocery and convenience stores and gas stations, to sell beer and wine between the hours of 8:00 am and midnight. Violations of this section are issued by Code Compliance and are currently subject to the Special Master process. It is recommended that this violation be associated with **Fine Schedule C** (\$250.00 for the first offense, \$500.00 for the second offense and \$1,000.00 for the third and subsequent offenses).
3. **Selling alcohol past 5:00 am** - Section 6-3(3) provides that offering alcoholic beverages in a restaurant, bar, or nightclub is not permitted between the hours of 5:00 am to 8:00 am, unless a special permit and permission is obtained from the City. Currently, this violation does not have an automatic fine, and Code Compliance Officers would have to issue a recurring violation in order to take the violator to Special Master. It is recommended that this violation be subject to **Fine Schedule D** (\$500.00 for the first offense, \$1,000.00 for the second offense, and \$2,500.00 for third and subsequent offenses).
4. **Displaying a freestanding or sandwich sign outside a building** - Section 138-71(j) prohibits freestanding or sandwich signs outside of a building. In calendar year 2011, there were 78 violations issued by Code Compliance for violations of this provision. The proposal is for violations of this provision to be subject to **Fine Schedule A** (\$50.00 for the first offense, \$100.00 for the second offense, and \$250.00 for the third and subsequent offenses).
5. **Displaying a pennant, banner, streamer or other fluttering, spinning or similar type sign and advertising devices** - Section 138-72(a) prohibits certain pennants, banners, streamers or other fluttering, spinning, or similar type signs and advertising devices. In calendar year 2011, there were 121 violations issued by Code Compliance for violating this Code section. The proposal is for violations of this provision to be subject to **Fine Schedule A** (\$50.00 for the first offense, \$100.00 for the second offense, and \$250.00 for the third and subsequent offenses).
6. **General Advertisement signs** - Section 138-73 prohibits general advertising signs from being constructed, erected, used, operated or maintained in the City. In Calendar Year 2011, there were 17 Notice of Violations issued by Code Compliance Officers for this violation. The Administration is recommending **Fine Schedule E** (\$1,000.00 for the first offense, \$2,500.00 for the second offense, and \$5,000.00 for the third and subsequent offense) for this violation type.
7. **Erecting a real estate sign without a permit** - Sections 138-135 and 138-136 require permits for erecting a real estate sign. In calendar year 2011, there were 101 violations issued by Code Compliance for violations of these sections of Code. The proposal is for violations of this provision to be subject to **Fine Schedule A** (\$50.00 for the first offense, \$100.00 for the second offense, and \$250.00 for the third and subsequent offenses).

8. **Selling or exposing for sale or rent personal property, including merchandise, groceries or perishable foods such as vegetables and fruits from other than a substantially enclosed, permanent building or structure** - Section 142-874(a) prohibits the selling or exposing for sale or rent personal property, including merchandise, groceries or perishable foods such as vegetables and fruits from other than a substantially enclosed, permanent building or structure. In calendar year 2011, Code Compliance issued 6 violations for this provision. The proposal is for violations of this provision to be subject to **Fine Schedule B** (\$100.00 for the first offense, \$250.00 for the second offense, and \$500.00 for the third and subsequent offenses).
9. **Displaying adult material in such a manner that such material is visible to minors** - Section 142-1273(a) prohibits adult bookstores from displaying adult material in such manner that such material is visible to minors (persons under 17 years of age). It is recommended that this violation be subject to **Fine Schedule D** (\$500.00 for the first offense, \$1,000.00 for the second offense, and \$2,500.00 for third and subsequent offenses).
10. **Illegally using a property as a parking lot without meeting the design standards set forth in the City Code** - Section 130, Article III. Currently, illegal parking lots pop up throughout the City, especially during major event weekends or for private events in single family residential areas. Currently, there is no fine schedule and Code Compliance must call the Police Department to assist in shutting down these operations. The operators leave without paying any penalties. With an established fine schedule, the City will deter the use of illegal lots and prevent future illegal usage. It is recommended that this violation be subject to **Fine Schedule D** (\$500.00 for the first offense, \$1,000.00 for the second offense, and \$2,500.00 for third and subsequent offenses).

CONCLUSION

The Administration recommends that the Neighborhood/Community Affairs Committee refer the proposed revisions of the City Code of Ordinances listed below to the full City Commission for adoption

1. Amend the following sections to provide fines and penalties:
 - a. Section 6-3(2) – Selling alcohol after midnight at package stores
 - b. Section 6-3(3) Selling alcohol past 5:00 AM
 - c. Section 138-71(j) - Displaying a free standing or sandwich sign outside a building
 - d. Section 138-72(a) Displaying a pennant, banner, streamer, or other fluttering, spinning or similar type sign and advertising devices)
 - e. Section 138-73 - General advertisement signs
 - f. Section 138-135 and 138-136 - Erecting a real estate sign without a permit
 - g. Section 142-874(a) Selling merchandise within an enclosed, permanent building or structure
 - h. Section 142-1273(a) - Displaying adult material visible to minors
 - i. Section 130-Article III – Illegally using property as parking lot

KGB/JGG/HC/RSA

Neighborhood/Community Affairs Committee Meeting
December 17, 2012

Discussion Regarding Enhancing The Entrances Of The BeachWalk.
Referred at September 12, 2012 Commission, Item C4H
(Requested by Commissioner Gongora)

Fred Beckmann, Public Works Department Director

ITEM #3



COMMITTEE MEMORANDUM

TO: Neighborhoods / Community Affairs Committee

FROM: Kathie G. Brooks, Interim City Manager

DATE: December 18, 2012

SUBJECT: **DISCUSSION REGARDING ENHANCING THE ENTRANCES OF THE BEACHWALK**

BACKGROUND

On September 12, 2012, the City Commission referred the discussion regarding enhancing the entrances to the beachwalk to the Neighborhoods and Community Affairs Committee.

The Beachwalk extends from 14 Court north to 23 Street. The original Beachwalk Project (14 Street to 21 Street) was completed in 2005. In 2009, the W Hotel removed the existing boardwalk from 21 Street to 23 Street and replaced it with an on-grade beachwalk.

Beachwalk Entrance Maintenance Concern

The Public Works Department conducted an inspection of the Beachwalk entrances adjacent to public street ends to identify maintenance concerns that need to be addressed to improve the overall appearance of the Beachwalk. Attachment A provides a map of the beachwalk and the public beach entrances within its limits. Attachment B provides an inventory detailing recommended upgrades and maintenance deficiencies identified during the inspection.

Parks and Recreation Department, Greenspace Management Division maintains the vegetation along the Beachwalk and at the entrances at 14 Court, 20 Street and 21 Street. The remaining entrances are maintained by the adjacent hotels/condominiums who installed the landscaping along these entrances.

Greenspace Management has the following renovations planned for the near future along the beachwalk:

1. 75 Sea Oats to fill two areas between 16 Street and 17 Street
2. Palm Tree replacement between 18 Street and 19 Street
3. 80 Sea Oats for two areas on 18 Street
4. 40 Sea Oats between 21 Street and 22 Street

And the following renovations at the beach entrances:

1. Vegetation to fill areas at 20 Street to be determined
2. 250 Sea Oats to fill in a large area behind the sitting wall at 21 Street

The Property Management Division is responsible for removing graffiti, maintaining rope and post and light fixtures, and replacing pavers. Since October 1, 2012, six service requests have been completed regarding property maintenance concerns along this corridor. Property Management will continue to address any maintenance concerns through ongoing regular maintenance activities. In addition, replacement signs and plexiglass have been ordered and will be installed in the upcoming weeks.

During the week preceding Art Basel, there was a spike in graffiti activity throughout South Beach, including the Beachwalk. Property Maintenance removed and/or painted over graffiti found along the Beachwalk walls and entrance columns.

The Ritz Carlton Hotel is responsible for maintaining the Lincoln Road beach entrance that is adjacent to its property. In September, the Ritz Carlton was asked to fix the beach entrance lighting, improve the maintenance of its dumpster area, and improve the drainage from the shower on its property. These maintenance concerns have since been addressed.

Potential Future Projects

The showers located at the beach entrances are used heavily by the public. The Sanitation Division pressure cleans the Beachwalk on a continuous basis. The showers are swept every day of excess sand and pressure cleaned once a week. However, due to the volume and heavy use by beach goers, the showers often become clogged resulting in ponding on the Beachwalk. Sand interceptors have been installed along other beach entrances to trap sand and improve drainage. Funding is available to replace existing showers and improve shower drainage Citywide. The five showers along the Beachwalk could be prioritized for future improvement as part of this larger Citywide project. As the showers in this area lie east of the Coastal Construction Control Line. A permit will be required from the Florida Department of Environmental Protection. Permitting is estimated to take 3 to 6 months.

All the beach entrances require either an upgrade to the dual trash and recycling bins or installation of additional dual bins along the beachwalk to provide an improved level of service. Nine additional dual bins will cost approximately \$9,000. Sanitation RDA Funds will be used to purchase and install additional dual bins along this corridor over the next 60 days.

CONCLUSION

The above status report is provided for discussion to the Committee.

Attachments:

- A: Beachwalk Public Beach Entrances Map
- B: Inventory of Public Streetend Beach Entrances


JGG/FHB/JJF/RWS/ESW/MKW

Attachment A
Beachwalk Public Beach Entrances

0 300 600 Feet



Inventory of Beachwalk Public Streetend Beach Entrances									
Beach Entrance	Waste Receptacles	Shower	Pavers	Landscape	Lighting	Signage	Mobimat	Rope & Post	Additional Comments
14 Court	OK	Needs sand interceptor	Pressure wash	OK	OK	OK	N/A	OK	N/A
15 Street	Upgrade to a dual bin along beachwalk	OK	OK	OK	OK	OK	OK	Repair rope	N/A
Lincoln Road	Upgrade to a dual bin along beachwalk	Needs sand interceptor	OK	OK	OK	Replace Welcome sign plexiglass	OK	Replace rope	N/A
17 Street	Upgrade to a dual bin along beachwalk	Needs sand interceptor	Pressure wash	OK	OK	Replace Welcome sign plexiglass	OK	Replace rope and repair rope and post	N/A
18 Street	Upgrade to a dual bin along beachwalk	Needs sand interceptor	Pressure wash	OK	OK	OK	N/A	OK	N/A
20 Street	Upgrade to a dual bin along beachwalk	OK	Pressure wash	OK	OK	Install Welcome sign	N/A	Repair rope	Coordinate with Townhouse location of dumpsters / landscaping
21 Street	Upgrade to a dual bin along beachwalk	Needs sand interceptor	Pressure wash	Needs additional vegetation on S side of E-W connector	OK	Install Welcome sign	OK	OK	N/A
22 Street	Upgrade to a dual bin along beachwalk	N/A	Pressure wash	Needs additional vegetation near E end of E-W connector	OK	OK	N/A	OK	N/A
23 Street	Upgrade to a dual bin along beachwalk	N/A	Pressure wash	W Hotel to trim overgrown vegetation around lighting.	OK	OK	N/A	N/A	Coordinate with the W Hotel and the Perry to address trimming & painting of knee wall.

Neighborhood/Community Affairs Committee Meeting
December 17, 2012

Discuss Naming 8th Street After Tony Goldman.

Commission Item C4M, October 24, 2012

(Requested by Commissioner Tobin)

Discussion Only (No Memo)

Max Sklar, Acting Assistant City Manager

ITEM #4

PRESENTATION AT COMMITTEE MEETING

Neighborhood/Community Affairs Committee Meeting
December 17, 2012

Discussion Regarding Criteria For Calling Special Meetings Of The City Commission.

Commission Item R7H, October 24, 2012

(Motion made by Commissioner Tobin to refer the item for criteria upon Resolution No. 2012-28043 was adopted)

City Attorney's Office

ITEM #5

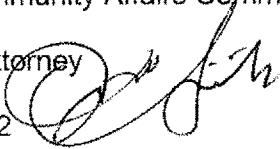


MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Jose Smith, City Attorney 

DATE: December 17, 2012

SUBJECT: Discussion Regarding Criteria for Calling Special Meetings of the City Commission.

Pursuant to a referral by the City Commission on October 24, 2012, the attached amended Resolution setting forth the criteria for the calling of Special Meetings of the City Commission is submitted for consideration by the Neighborhood/Community Affairs Committee.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING, PURSUANT TO CITY CHARTER SECTION 2.04, PROCEDURES FOR CALLING SPECIAL MEETINGS OF THE CITY COMMISSION BY A MAJORITY OF THE MEMBERS OF THE CITY COMMISSION.

WHEREAS, Section 2.04 of the Miami Beach Charter provides that the "Mayor or the City Manager may call special meetings of the Commission upon at least twenty-four (24) hours written notice to each member, served personally, or left at his [her] usual place of abode"; and

WHEREAS, in a Special Election held on August 14, 2012, the following ballot question was approved by the electorate of the City of Miami Beach, which provides for an additional method of calling a special meeting of the City Commission by a majority of the members of the Commission:

Shall Section 2.04 of the Miami Beach Charter be amended to provide that, in addition to being called by the Mayor or City Manager, special meetings of the City Commission may be called by a majority of the members of the Commission upon written notice to the City Clerk and in accordance with the procedures set forth in a resolution of the City Commission; and

WHEREAS, pursuant to City of Miami Beach Resolution No. 2012-28004, which was passed and adopted by the Miami Beach City Commission on September 12, 2012, the Miami Beach City Commission adopted the Miami-Dade County Canvassing Board's Certification of the Official Results of the August 14, 2012 Special Election for the above-stated City of Miami Beach ballot question and declared the results thereof; and

WHEREAS, Section 2.04 of the Miami Beach Charter has now been amended to include the following language:

...In addition, special meetings of the City Commission may be called by a majority of the members of the Commission upon written notice to the City Clerk and in accordance with the procedures set forth in a resolution of the City Commission"; and

WHEREAS, the following procedures for calling a special meeting by a majority of the members of the Miami Beach City Commission are hereby adopted in accordance with the above-stated Charter Amendment approved by the electorate in the August 14, 2012 City of Miami Beach Special Election:

Procedures for the Calling of Special Meetings of the City Commission
by a Majority of the Members of the Commission.
Pursuant to Section 2.04 of the City Charter

A special meeting of the City Commission may be called by a majority of the members of the Commission. A special meeting shall be called only: (1) to address emergency matters that cannot be postponed until the next regularly scheduled city commission meeting and (2) whenever four or more members of the City Commission individually serve a written signed request for a special meeting upon the City Clerk by hand-delivery. The written request shall state the purpose(s) of the Special Meeting. The signature of the Mayor or of a Commissioner on each such request shall constitute a representation that the member of the City Commission intends to attend the Special Meeting.

Upon receipt of the initial signed written request for a Special Meeting from a member of the City Commission, the City Clerk shall immediately send notice thereof to the entire City Commission, as well as to the City Manager and the City Attorney. After receipt of a total of four or more written requests for a special meeting, the City Clerk shall schedule the Special Meeting and shall serve verbal and written notice (by hand-delivery or email) upon each member of the City Commission, the City Manager and the City Attorney, stating the date, hour, and place of the Special Meeting, and the purpose(s) for which such Special Meeting is called. The City Clerk shall use his or her best efforts to ensure that all, or as close as possible to all, of the members of the City Commission are available to attend the Special Meeting. The City Clerk shall further provide the public with Notice of the Special Meeting by publishing of the Special Meeting Notice on the City of Miami Beach's website, and shall also provide newspaper publication notice of the Special Meeting when there are at least seven (7) business days from the Clerk's scheduling of the Special Meeting to the date of the Special Meeting. At least 24 hours must elapse between the time the City Clerk receives four signed written requests for the Special Meeting and the time the Special Meeting is to be held. The City Commission chambers shall be made available for a special meeting whenever such a meeting is called. No business other than the purpose(s) stated in the Clerk's Notice of Special Meeting shall be transacted at the Special Meeting. If after reasonable diligence, it is impossible to give notice to each Commissioner, such failure shall not affect the legality of the Special Meeting if a quorum is present. The minutes of each special meeting shall show the manner and method by which notice of such special meeting was given to each member of the Commission.

A special meeting of the City Commission called pursuant to this Resolution may be cancelled as follows:

- (1) By motion adopted at a regular Commission meeting by a majority of the City Commission members present; or
- (2) By service upon the City Clerk of signed, written requests for cancellation of the special meeting from at least four members of the City Commission.

When a special meeting pursuant to this Resolution is cancelled, the City Clerk shall provide notice of said cancellation to each member of the City Commission, the City Manager, the City Attorney, and shall further provide the public with cancellation notice of the Special Meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby adopt the procedures for the calling of special meetings by a majority of the members of the City Commission as set forth herein.

PASSED AND ADOPTED this ____ day of November, 2012.

ATTEST:

Matti Herrera Bower
Mayor

Rafael Granado
City Clerk

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING, PURSUANT TO CITY CHARTER SECTION 2.04, PROCEDURES FOR CALLING SPECIAL MEETINGS OF THE CITY COMMISSION BY A MAJORITY OF THE MEMBERS OF THE CITY COMMISSION.

WHEREAS, Section 2.04 of the Miami Beach Charter provides that the "Mayor or the City Manager may call special meetings of the Commission upon at least twenty-four (24) hours written notice to each member, served personally, or left at his [/her] usual place of abode"; and

WHEREAS, in a Special Election held on August 14, 2012, the following ballot question was approved by the electorate of the City of Miami Beach, which provides for an additional method of calling a special meeting of the City Commission by a majority of the members of the Commission:

Shall Section 2.04 of the Miami Beach Charter be amended to provide that, in addition to being called by the Mayor or City Manager, special meetings of the City Commission may be called by a majority of the members of the Commission upon written notice to the City Clerk and in accordance with the procedures set forth in a resolution of the City Commission; and

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WHEREAS, Section 2.04 of the Miami Beach Charter has now been amended to include the following language:

...In addition, special meetings of the City Commission may be called by a majority of the members of the Commission upon written notice to the City Clerk and in accordance with the procedures set forth in a resolution of the City Commission"; and

WHEREAS, the following procedures for calling a special meeting by a majority of the members of the Miami Beach City Commission are hereby adopted in accordance with the above-stated Charter Amendment approved by the electorate in the August 14, 2012 City of Miami Beach Special Election:

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by a Majority of the Members of the Commission.
Pursuant to Section 2.04 of the City Charter

A special meeting of the City Commission may be called by a majority of the members of the Commission. A special meeting shall be called only: (1) to address emergency matters that cannot be postponed until the next regularly scheduled city commission meeting and (2) whenever four or more members of the City Commission individually serve a written signed request for a special meeting upon the City Clerk by hand-delivery. The written request shall state the purpose(s) of the Special Meeting. The signature of the Mayor or of a Commissioner on each such request shall constitute a representation that the member of the City Commission intends to attend the Special Meeting.

Upon receipt of the initial signed written request for a Special Meeting from a member of the City Commission, the City Clerk shall immediately send notice thereof to the entire City Commission, as well as to the City Manager and the City Attorney. After receipt of a total of four or more written requests for a special meeting, the City Clerk shall schedule the Special Meeting and shall serve verbal and written notice (by hand-delivery or email) upon each member of the City Commission, the City Manager and the City Attorney, stating the date, hour, and place of the Special Meeting, and the purpose(s) for which such Special Meeting is called. The City Clerk shall use his or her best efforts to ensure that all, or as close as possible to all, of the members of the City Commission are available to attend the Special Meeting. The City Clerk shall further provide the public with Notice of the Special Meeting by publishing of the Special Meeting Notice on the City of Miami Beach's website, and shall also provide newspaper publication notice of the Special Meeting when there are at least seven (7) business days from the Clerk's scheduling of the Special Meeting to the date of the Special Meeting. At least 24 hours must elapse between the time the City Clerk receives four signed written requests for the Special Meeting and the time the Special Meeting is to be held. The City Commission chambers shall be made available for a special meeting whenever such a meeting is called. No business other than the purpose(s) stated in the Clerk's Notice of Special Meeting shall be transacted at the Special Meeting. If after reasonable diligence, it is impossible to give notice to each Commissioner, such failure shall not affect the legality of the Special Meeting if a quorum is present. The minutes of each special meeting shall show the manner and method by which notice of such special meeting was given to each member of the Commission.

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- (1) By motion adopted at a regular Commission meeting by a majority of the City Commission members present; or
- (2) By service upon the City Clerk of signed, written requests for cancellation of the special meeting from at least four members of the City Commission.

When a special meeting pursuant to this Resolution is cancelled, the City Clerk shall provide notice of said cancellation to each member of the City Commission, the City Manager, the City Attorney, and shall further provide the public with cancellation notice of the Special Meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby adopt the procedures for the calling of special meetings by a majority of the members of the City Commission as set forth herein.

PASSED AND ADOPTED this ____ day of November, 2012.

ATTEST:

Matti Herrera Bower
Mayor

Rafael Granado
City Clerk

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Neighborhood/Community Affairs Committee Meeting
December 17, 2012

Discussion Regarding A Resolution Urging The Florida Legislature To Exempt From Public Records Disclosure Absentee Ballot Requests And Personal Information Included On Such Requests.

Commission Item R9C, October 24, 2012

(Requested return to NCAC by Commissioner Weithorn)

City Attorney's Office

ITEM #6

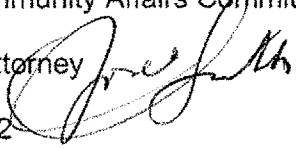


MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Jose Smith, City Attorney 

DATE: December 17, 2012

SUBJECT: Discussion Regarding a Resolution Urging the Florida Legislature to Exempt from Public Records Disclosure Absentee Ballot Requests and Personal Information Included on Such Requests.

Pursuant to a referral by the City Commission of the attached Resolution at the October 24, 2012 City Commission meeting, this matter is submitted to the Neighborhood/Community Affairs Committee for its review and consideration.

The attached Resolution and Commission Memorandum from the October 24, 2012 Commission meeting set forth the State laws and administrative regulations concerning absentee voter information. As a step to curb absentee ballot fraud, the Resolution urges the Florida Legislature to exempt from public records disclosure absentee ballot requests and the personal information which is included in responses to such requests.

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MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Ms. Kathie Brooks, Interim City Manager
Mr. Rafael Granado, City Clerk

FROM: Commissioner Deede Weithorn

DATE: September 7, 2012

SUBJECT: Exempting Absentee Ballot information from the Public Record

On September 6, 2012 the Miami-Dade County Commission passed a resolution sponsored by Chairman Joe A. Martinez urging the Florida Legislature to exclude from public records information pertaining to absentee ballot requests.


Section 101.62 in the Florida Statutes requires that absentee ballot requests be "generally" maintained confidential and exempt from public disclosure. However, this section of the Florida Statutes does make absentee ballot requests available to political parties and party officials; registered political committees; committees of continuous existence; candidates who have filed qualification papers and are opposed in an upcoming election; election officials; canvassing boards; and the voter, who is only entitled to access his or her own absentee ballot request information.

Florida Administrative Code Rule 1S-2.043 requires that each absentee voter's record (available to those listed in FSS 101.62) include the voter's name, address to which the voter has requested the absentee ballot is to be sent, phone number, email address if provided, party affiliation and precinct, with certain limited exceptions such as for law enforcement. Those individuals and entities listed in FSS 101.62 can immediately learn which voters have requested an absent ballot by making public records requests for this information either to a Supervisor of Elections or to the State Division of Elections.

Given the recent cases of alleged fraud in Miami-Dade County, exempting from public disclosure absentee ballot requests and personal information included on absentee ballot requests would be an important step against enabling absentee ballot fraud.

It is Commissioner Deede Weithorn's hope that this Commission will follow the lead of the Miami-Dade County Commission in urging the Florida Legislature to exempt from public records disclosure absentee ballot requests and personal information included on absentee ballot requests.

Thank you,


Alex J. Fernandez,
Commissioner Deede Weithorn's Office

We are committed to providing excellent public service and strive to allow you to see, work, and play in our vision.

Agenda Item R9C
Date 10-24-12

669

RESOLUTION NO. 2012-_____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE
FLORIDA LEGISLATURE TO EXEMPT FROM PUBLIC
RECORDS DISCLOSURE ABSENTEE BALLOT REQUESTS
AND PERSONAL INFORMATION INCLUDED ON SUCH
REQUESTS.**

WHEREAS, absentee ballot requests are generally confidential and exempt from public disclosure pursuant to Section 101.62, Florida Statutes; and

WHEREAS, Section 101.62(3), however, provides that certain persons and entities may obtain and use absentee ballot requests for political purposes, including:

- * Political parties and party officials;
- * Registered political committees;
- * Committees of continuous existence;
- * Candidates who have filed qualification papers and are opposed in an upcoming election;
- * Election officials;
- * Canvassing boards; and
- * The voter, who is only entitled to access his or her own absentee ballot request information; and

WHEREAS, Section 101.62 requires each Supervisor of Elections to update and make available information on absentee ballot requests no later than 8 a.m. of each day, including weekends, beginning 60 days before the primary election until 15 days after the general election; and

WHEREAS, Section 101.62 also requires each Supervisor of Elections to transmit to the State Division of Elections absentee ballot request information on a daily basis; and

WHEREAS, Rule 1S-2.043, Florida Administrative Code, sets forth in detail the electronic format to be used for Supervisors of Elections to provide absentee ballot request information to the State Division of Elections; and

WHEREAS, Rule 1S-2.043 requires that each absentee voter's record include the voter's name, address to which the voter has requested the absentee ballot is to be sent, phone number, email address if provided, party affiliation and precinct, with certain limited exceptions such as for law enforcement; and

WHEREAS, candidates, political committees, political parties and committees of continuing existence immediately can learn which voters have requested an absent ballot by making public records requests for this information either to a Supervisor of Elections or to the State Division of Elections; and

WHEREAS, the State Division of Elections posts absentee ballot request information by county on its website, and candidates, political committees, political parties and committees of continuing existence can access such information on a daily basis once the State Division of Elections assigns them a user name and password; and

WHEREAS, candidates, political committees, political parties and committees of continuing existence then can contact voters who have made an absentee ballot request; and

WHEREAS, information on a voter's decision whether to vote by absentee ballot, by early voting, or on the day of the election should not be subject to ready access by these groups and individuals; and

WHEREAS, Miami-Dade County recently has experienced examples of alleged absentee ballot fraud and, on September 6, 2012, the Miami-Dade County Board of County Commissioners passed a Resolution urging the Florida Legislature to exempt from public disclosure absentee ballot requests and personal information included on such requests; and

WHEREAS, exempting from public disclosure absentee ballot requests and personal information included on absentee ballot requests would be an important step in curbing absentee ballot fraud.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby urge the Florida Legislature to exempt from public records disclosure absentee ballot requests and personal information included on absentee ballot requests, and further directs the City Administration to include this item in the City's 2013 State Legislative Agenda.

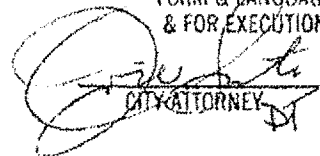
PASSED AND ADOPTED this ____ day of September, 2012.

ATTEST:

Matti Herrera Bower
Mayor

Rafael Granado
City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 9/10/12
CITY ATTORNEY DATE

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Neighborhood/Community Affairs Committee Meeting
December 17, 2012

Discussion Regarding Traffic Flow On 1st Street, In The Area East Of Alton Road And West Of Washington Avenue.

Commission Item C4B, November 14, 2012

(Requested return to NCAC by Commissioner Weithorn)

Saul Frances, Parking Department Director

ITEM #7



OFFICE OF THE CITY MANAGER
MEMORANDUM

COMMITTEE

TO: Neighborhoods/Community Affairs Committee
Commissioner Edward L. Tobin, Chairperson
Commissioner Jerry Libbin, Vice-Chairperson
Commissioner Jorge Exposito, Member
Commissioner Jonah Wolfson, Alternate

FROM: Kathie G. Brooks, Interim City Manager

DATE: December 17, 2012

SUBJECT: TRAFFIC FLOW ISSUES ON FIRST STREET

On November 14, 2012, at the request of Commissioner Weithorn, the Mayor and City Commission approved Commission Item C4B, a referral for discussion to the Neighborhoods and Community Affairs Committee (NCAC) regarding the traffic flow on First Street, in the area east of Alton Road and west of Washington Avenue.

Recently members of the Mayor and City Commission were contacted by residents of the Courts at South Beach located on First Street between Alton Road and Washington Avenue regarding the following issues on the eastbound lane of First Street which are largely related to the construction projects currently being performed in the area. The concerns raised were as follows:

- Safety concerns such as outage of street lights and requests for additional police presence.
- Queuing of vehicles on the eastbound lane of First Street between Washington Avenue and Alton Road
- Valet parking operations at two restaurants on the block (Fogo de Chao and Milos) exacerbating congestion and queuing issues, including significant delays for the passage of emergency vehicles eastbound on First Street.
- Overall traffic congestion in the area and related noise from car horns.

The construction projects in the area include:

Wastewater Force Main Project Miami-Dade County

The County is currently constructing a new wastewater force main on Commerce Street and on Washington Avenue between Commerce Street and South Pointe Park. Due to the County work, the intersection of South Pointe Drive and Washington Avenue is currently closed. It is anticipated that this intersection will be reopened by December 14th. This phase of the project impacting City streets will be substantially completed by the end of the year. A second contractor is now working within South Pointe Park, this work is scheduled to be completed in July and the Park is scheduled to reopen in August 2013. The final phase to make the final connection of the new force main to the existing force main on Alton Road will be constructed in the summer of 2013.

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-674-2489 (voice) or 305-673-7218 (TTY) five days in advance to **NCAC AGENDA 12/17/12 PAGE #36**

South Pointe Phase III, IV, and V Neighborhood Right of Way Infrastructure Improvement Project

The project scope of work includes the installation of new storm water infrastructure, including gravity wells; storm water structures; and a pump station; streetscape improvements, including roadway reconstruction traffic calming measures; enhanced pedestrian access crosswalks; irrigation and landscaping; pedestrian lighting; parking signage; and pavement markings throughout the project limits; the installation of an 8 inch water main on Alton Road, Commerce, Biscayne, Collins, and Ocean Courts; and a 12 inch water main on Ocean Drive, added on July 18, 2012, by the City Commission. The Project is scheduled to be substantially completed during the 2nd quarter of 2013.

Traffic and Nuisance Mitigation Efforts

As referenced above, these construction projects have caused increased traffic volume on First Street and in particular to the eastbound lane between Alton Road and Washington Avenue. The Courts at South Beach Homeowners Association CSBHOA has reached out to several members of the City Commission and City staff outlining their concerns and seeking relief. As a result, the following actions were taken as of Friday, November 2, 2012, to address these concerns.

- The parking meters on the north side of the eastbound lane of First Street between Jefferson Avenue and Washington Avenue are reserved (bagged) except for the six (6) spaces east of Jefferson Avenue. This parking lane serves as a passing lane to alleviate queuing on First Street.
- The valet parking stands for the two restaurants on the block have each been relocated, one to the south side of First Street between Alton Road and Jefferson Avenue, and the other to Washington Avenue, south of First Street. This was done in order to minimize traffic congestion/delays while still providing valet service within a reasonable proximity.
- A Variable Message Sign (VMS) providing notice of Traffic Delays and "NO HORNS" was installed on the eastbound lane of First Street at the corner of Jefferson Avenue.
- The contractor has restored power to the temporary and existing lighting systems throughout the project limits. It is important to note that over the past months temporary light poles have been hit by large vehicles, cranes, garbage trucks, etc., or damaged in traffic accidents. When these emergencies occurred, the electrical contractor has mobilized immediately to restore the lighting system. The permanent lighting system is scheduled to be complete in March 2013.

Although the Courts on South Beach HOA supported all of the actions mentioned above, on Friday, November 2, 2012, concerns were raised by affected businesses and members of SOFNA (South of Fifth Neighborhood Association) regarding the reduction of parking inventory in the area and the lack of timely notice of this action that was provided to the neighborhood. Timely notice to the neighborhood was an oversight and has since been corrected. Representatives from various City departments, including Parking; Police; Code Enforcement; and the City Manager's Office have met and will continue to communicate with all stakeholders. In regards to the reduction of parking inventory, this was addressed by reducing the temporary traffic lane and returning a segment of the bagged meters for public parking on weekdays. In order to address the peak traffic congestion periods, the temporary traffic lane is utilized on Fridays, Saturdays, and Sundays. If it is determined that additional days are warranted, stakeholders will be notified prior to any action. SOFNA indicated that they may convene a community meeting to discuss this particular issue further. If so, I will ensure that the appropriate City staff members attend.

As a result of the aforementioned meetings held with the stakeholders, the following actions were instituted during the weekend beginning on Friday, November 9th and will continue to remain in place each weekend until the street closures in the area are reopened to vehicular traffic.

- The six metered spaces east of Jefferson Avenue shall also be bagged every weekend to extend the passing travel lane further west.
- A second VMS has been installed on southbound Alton Road, south of 4th Street, advising "Detour to Washington Avenue/Left at 2nd Street". This was done in order to reduce potential vehicular traffic on First Street.
- The Police Department will be conducting traffic control at the intersection of Washington Avenue and First Street during peak demand periods each weekend.
- The Parking Department has assigned an officer to monitor First Street to ensure the reserved parking lane is clear at all times; monitor and address traffic congestion to preempt noise/car horns; and monitor and enforce the valet parking operations in the area.
- Code Enforcement has increased their patrols and monitoring of the area to address noise and other violations.

The results of the aforementioned actions were very effective as there was a marked improvement in traffic flow on First Street and as a result there has been a reduction in noise complaints including car horns. This plan shall remain in effect and we will continue to monitor the area and make adjustments accordingly, of course, with stakeholder input.

C: Mayor and Members of the City Commission
Max Sklar, Acting Assistant City Manager
Jorge Gomez, Assistant City Manager
Jose Smith, City Attorney
Rafael Granado, City Clerk
Carla Gomez, Special Projects Administrator
Saul Frances, Parking Director

KGB/PDW/SF

Neighborhood/Community Affairs Committee Meeting
December 17, 2012

Discussion Regarding Bringing V-Day To Miami Beach
(Requested by Commissioner Jorge R. Exposito)

No Memo

ITEM #8



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Neighborhood and Community Affairs Committee

FROM: Kathie G. Brooks, Interim City Manager

DATE: December 17, 2012

SUBJECT: **DISCUSSION OF BRINGING V-DAY TO MIAMI BEACH**

This item was referred to the Neighborhood and Community Affairs Committee at the request of Commission Exposito at the December 12, 2012 City Commission meeting.

DESCRIPTION OF EVENT

On Thursday, February 14th, 2013, Miami Beach will join a worldwide campaign of thousand of cities in more than 179 countries to participate in One Billion Rising and create awareness in our community on ending violence against women. www.onebillionrising.org

One Billion Rising is a global call to action and a celebration envisioned by V-Day, a global activist movement to end violence against women and girls. www.vday.org

The event will start 6 PM and end around 8PM in Miami Beach's Soundscape Park featuring the New World Symphony Wall. The goal of the evening is to engage the community in a rising and celebration through dance, art and music.

The event will include live performances by Miami-based artists, video installations and a produced video. Some of the performance art groups joining include: the NWS fellows, the Miami City Ballet, Overtown Music Project, Miami Music Project, Zumba Dance, Young Arts, Miami Light Project, and others.

For the Wall Cast, the event producers will produce a video to include a series of PSA announcements by local personalities in following the "Why I am rising" series, such as the example here by Robert Redford <http://m.youtube.com/watch?feature=fvwrel&v=mCHXBQIU01Y>. The video will also include local and national statistics about violence and information on ways to seek help locally.

Community partner organizations include: Women's Fund of Miami, Kristi House, Lotus House, Casa Valentina, FIU, University of Miami, Miami Children's Museum, MAM and others. Our Media partner is Miami Magazine.

The event is FREE to the public with an expected attendance of 600.

Projected Costs include the following:

Application Fee: \$250 (May be waived administratively for a 501(c)3)
Permit Fee: \$250 (May be waived administratively for a 501(c)3)
Security Deposit: \$2,500
Square Footage Fee: \$250 (Estimate)

Police: TBD
Fire: TBD
Sanitation: TBD

It is important to note that this event is scheduled to take place during the Miami International Boat Show and parking and traffic in the area of SoundScape will be challenging.

KGB/MAS



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, Interim City Manager
Rafael E. Granado, City Clerk

FROM: Jorge R. Exposito, Vice-Mayor

DATE: December 7, 2012

SUBJECT: Referral to Neighborhood/Community Affairs Committee:
V Day

Please place a referral item on the December 12, 2012 Commission Meeting Agenda to the Neighborhood/Community Affairs Committee for discussion of bringing V-day to Miami Beach.

We trust that you will find all in good order. Should you have any questions, please feel free to get in touch with my aide, Barbie Paredes at extension 6457.

Best regards,

JRE/bp

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

Neighborhood/Community Affairs Committee Meeting
December 17, 2012

Discussion Regarding A Potential Signage Program Establishing Miami Beach As A Hate Free Zone.

Commission Item C4J, October 19, 2011

(Requested by Mayor Matti Herrera Bower)

Referred to Land Use- Removed from Neighborhoods Pending List

ITEM #9



MIAMI BEACH

OFFICE OF THE CITY MANAGER

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager

DATE: December 19, 2012

SUBJECT: **DISCUSSION CONCERNING THE MIAMI BEACH HUMAN RIGHTS COMMITTEE RESOLUTION REGARDING THE POSTING OF PUBLIC NOTICES.**

Background

This item was referred to the Land Use and Development Committee by Commissioner Góngora at the September 12, 2012, City Commission Meeting. (See Exhibit "A")

On January 13, 2010, the Mayor and City Commission of the City of Miami Beach adopted Ordinance 2010-3669, amending the City of Miami Beach Human Rights Ordinance (a copy of which is attached hereto as Exhibit "B"). The Miami Beach Human Rights Ordinance established the City of Miami Beach Human Rights Committee, which has as two of its principle duties:

1. To informing persons of the rights assured and remedies provided under this Human Rights Ordinance; and
2. Recommending to the City Manager and the City Commission legislation that would further the purpose of eliminating and preventing discrimination in employment and public accommodations.

The Miami Beach Human Rights Committee has determined that oftentimes many residents and visitors to Miami Beach are unaware of their rights under the City's Human Rights Ordinance. Therefore, the Miami Beach Human Rights Committee has set as its principle mission during its first two years in existence to publicize these rights.

Initially, the Miami Beach Human Rights Committee considered working jointly with the Gay, Lesbian, Bisexual and Transgender (GLBT) Committee in creating a "No Hate" signage campaign, whereby the City would create a sign with an identifiable "seal/logo," which would be placed throughout Miami Beach, reminding the public that hate and intolerance of others is not tolerated in Miami Beach. Although the Miami Beach Human Rights Committee was supportive of the idea, the Committee decided against this venture, instead focusing its energy in informing the public of the existence of the Miami Beach Human Rights Ordinance.

To that end, the Miami Beach Human Rights Committee requested from Miami-Dade County to allow it to place, free of charge, public service announcements relating to the Miami Beach Human Rights Ordinances on County buses traveling through Miami Beach. After one year of work by the Miami Beach Human Rights Committee, on November 8, 2012, the Miami-Dade County Board of County Commission unanimously approved a Resolution directing the County Mayor and the Miami-Dade Commission on Human Rights to develop a joint public service announcement, at no cost to the County, with the Miami Beach Human Rights Committee regarding the County's and the City of Miami Beach's Discrimination Ordinances and the rights of residents of and visitors to Miami-Dade County; and requiring a report from the County Mayor regarding the financial and contractual feasibility of developing, producing and posting similar public service announcements inside all Metrobus and Metrorail vehicles. (See Exhibit "C")

In furtherance of its mission to educate residents and visitors about the Miami Beach Human Rights Ordinance, the Miami Beach Human Rights Committee urges the City Commission to amend the Miami Beach Human Rights Ordinance to require that notice be posted in all public accommodation and places of employment, which are subject to the Miami Beach Human Rights Ordinance, notifying residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance. Pursuant to its resolution 2012-001 (a copy of which is included herein as Exhibit "D"), the Miami Beach Human Rights Committee recommends that the Miami Beach Human Rights Ordinance be amended to require:

1. That every person being the owner, lessee, sub-lessee, assignee, or managing agent of public accommodations¹ subject to the Miami Beach Human Rights Ordinance to post and maintain at such public accommodations, in conspicuously and easily accessible well-lighted place where they may be readily observed by those seeking or visiting such public accommodations, notices designed by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinances relative to public accommodations, the place where complaints may be filed and such other information as the City of Miami Beach deems pertinent to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance.
2. That every employer² subject to the Miami Beach Human Rights Ordinance to post and maintain at its offices, places of employment or employment training centers, in a

¹ Pursuant to §62-31 of City of Miami Beach Human Rights Ordinance, *public accommodation* mean any retail establishment, an inn, hotel, motel or other establishment providing lodging to transient guests, other than an establishment located within a building containing not more than five rooms for rent or hire and is actually occupied by the proprietor of such establishment as his residence; any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment, or any gasoline station; any bar, lounge, nightclub or other facility principally engaged in selling alcoholic beverages for consumption on the premises or any facility principally engaged in selling both food and alcoholic beverages for consumption on the premises; any motion picture house, theater, concert hall, convention hall, or other place of exhibition of entertainment; and any establishment physically located within the premises of any establishment otherwise covered by this article or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

² Pursuant to §62-31 of City of Miami Beach Human Rights Ordinance *employer* means any person who has five or more employees, in each of four or more calendar weeks in the current calendar year, and any agent of such person.


conspicuously and easily accessible and well-lighted place customarily frequented by employees and applicants for employment, notices designed by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinance relative to employment, the place where complaints may be filed and such other information as the City of Miami Beach deems pertinent to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance.

Fiscal Impact Analysis

There is minimal anticipated fiscal impact associated with the proposed amendment to the Miami Beach Human Rights Ordinance, as the Miami Beach Human Rights Committee envisions that the City would provide electronic copies of the required notices, which could be downloaded by employers or public accommodations free of charge. The only cost to the City would be the staff time required to design the notices.

Recommendation

The Miami Beach Human Rights Committee is urging the City Commission to amend the City's Human Rights Ordinance (No. 2010-2669), adopted on January 13, 2010, to incorporate notice requirements to be posted in all public accommodation and places of employment, which are subject to the Miami Beach Human Rights Ordinance, in order to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance.

KGB/reg 

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager
FROM: Matti Herrera Bower, Mayor *Matti for MHB*
DATE: October 12, 2011
SUBJECT: Consent Agenda Item: Referral to Neighborhoods Committee

Please place on the Oct. 19, 2011 Commission meeting agenda a referral to the Neighborhoods Committee of a discussion regarding a potential signage program establishing Miami Beach as a hate free zone.

I thank you in advance for your cooperation in this matter. If you have any questions, please do not hesitate to contact Rebecca Wakefield at extension 6157.

Thank you.

MHB/rw

We are committed to providing excellent public service and safety to all who live, work, and play in our

Agenda Item C4J

Date 10-19-11

EXHIBIT A



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, Interim City Manager

FROM: Michael Góngora, Commissioner

DATE: September 9, 2012

SUBJECT: Referral Item for September Commission Meeting

Please place on the September 12th Commission meeting consent agenda a referral to the Land Use Committee for discussion concerning the Miami Beach Human Rights Committee resolution regarding the posting of public notices. Please find resolution attached. If you have any questions please feel free to contact my aide Diana Fontani at ext 6087.

MG/df

Agenda Item C4D
Date 9-12-12

EXHIBIT B

ORDINANCE NO. 2010-3669

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 62 OF THE CITY CODE, ENTITLED, "HUMAN RELATIONS;" AMENDING ARTICLE II, SECTION 62-32 THEREIN, TO FORMALLY NAME AND ALSO HEREINAFTER REFER TO THE PROVISIONS OF SAID ARTICLE (AND SECTIONS THERETO) AS THE "CITY OF MIAMI BEACH HUMAN RIGHTS ORDINANCE;" AMENDING ARTICLE II, SECTIONS 62-31 THROUGH 62-66, TO AMENDING THE EXISTING PROVISIONS AND, WHERE NOTED, CREATING NEW PROVISIONS PERTAINING TO THE PROCEDURES FOR FILING AND INVESTIGATING COMPLAINTS, MEDIATION OF COMPLAINTS, HEARING PROCEDURES, AND PENALTIES; FURTHER AMENDING CHAPTER 62, ARTICLE II, DIVISION 3, SECTIONS 62-88.1, AND 62-90, AND 62-91 THEREOF, AND CHAPTER 62, ARTICLE II, DIVISION 4, SECTION 62-112(c), TO INCLUDE ALL CLASSIFICATION CATEGORIES (AS SET FORTH IN SECTION 62.33) BY WHICH DISCRIMINATION IS PROHIBITED UNDER THE CITY'S HUMAN RIGHTS ORDINANCE; AND PROVIDING FURTHER FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1.

That Chapter 62, Article II, Divisions 1 and 2, Sections 62-31 through 62-66, of the Code of the City of Miami Beach, Florida, is hereby amended as follows:

DIVISION 1. GENERALLY

Sec. 62-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means that person appointed pursuant to section 62-56(a).

Age means the chronological age of any individual who is eighteen (18) years or older.

Classification category means each category by which discrimination is prohibited as set forth within section 62-33. These categories are as follows: race, color, national origin, religion, ~~gender~~~~sex~~, ~~sexual orientation~~, gender identity, sexual orientation, disability, marital ~~status~~, and familial status, or age.

Committee means the City of Miami Beach Human Rights Committee.

Disability. Disabled persons are persons who:

(1) Have a physical or mental impairment that substantially limits one or more of such ~~persons~~person's major life activities.

- a. *Major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- b. *Qualified*, with respect to employment, means such individual can perform the essential functions of the job in question with reasonable accommodations, and with respect to public services means an individual who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the city.
- c. *Substantially limited* means likely to experience difficulty in securing, retaining or advancing in employment because of a disability.

Discriminatory practice means an intentional act that is unlawful and prohibited.

Employee means a person employed by or seeking employment from an employer. It does not include any person employed by parents, a spouse or child.

Employer means any person who has five (5) or more employees, in each of four (4) or more calendar weeks in the current calendar year, and any agent of such person.

Entity includes "employee," "employer," and "person."

Familial status means one or more individuals who have not attained the age of eighteen (18) years being domiciled with:

- (1) A parent or another person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other person having custody, with the written permission of such parent or other person.

Family means one or more individuals living as a single housekeeping unit.

~~*Gender*~~ *Gender identity* includes but is not limited to actual or perceived sex, pregnancy, child birth, or medical conditions related to pregnancy or child birth, and shall also include a person's gender identity, gender-related self-identity, self-image, appearance, expression or behavior, whether or not that gender identity, self image, appearance, expression or behavior is different such gender-related characteristics differ from that traditionally these associated with the individual's assigned sex assigned to that person at birth.

Housing or housing accommodations means any building, structure or portion thereof, or other facility occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof, mobile home, trailer or other facility. However, nothing in this article shall apply to rooms or units in housing containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

Interested party means the person filing a complaint or the person against whom a complaint has been filed.

Marital status means the ~~presence or absence of a marital relationship and includes the state of being married, separated, or unmarried~~ ~~state of being unmarried, married or separated, as defined by state law.~~ The term "unmarried" includes persons who are single, divorced or widowed.

Mediation agreement means a written agreement entered into between a complainant and respondent setting forth the resolution of the issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the complainant, the respondent, and the mediator.

Mediator means that person appointed pursuant to section 62-623.

National origin means the origin of an ancestor, the country of origin of a person's forbearer, naturally, by marriage or by adoption.

Person means one or more individuals, partnerships, associations, political subdivisions, labor unions, organizations, cooperatives, mutual companies, joint-stock companies, unincorporated organizations, trusts, trustees, or receivers, legal representatives, for-profit and not-for-profit associations and corporations, and business associations of whatever kind including without limitation general partnerships, limited liability partnerships, corporations, limited liability companies, business trusts, and joint ventures.

Owner means any person, including but not limited to a lessee, sublessee, assignee, manager or agent, and also including the city and its departments or other subunits, having the right of ownership or possession or the authority to sell or lease any real property.

Public accommodations means any retail establishment, an inn, hotel, motel or other establishment providing lodging to transient guests, other than an establishment located within a building containing not more than five (5) rooms for rent or hire and is actually occupied by the proprietor of such establishment as his residence; any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises, including but not limited to any such facility located on the premises of any retail establishment, or any gasoline station; any bar, lounge, nightclub or other facility principally engaged in selling alcoholic beverages for consumption on the premises or any facility principally engaged in selling both food and alcoholic beverages for consumption on the premises; any motion picture house, theater, concert hall, convention hall, or other place of exhibition of entertainment; and

any establishment physically located within the premises of any establishment otherwise covered by this article or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

Public services means services, programs, or activities of the city.

Real property means any land, buildings, fixtures, and all other improvements to land. The terms "land", "real estate," "realty" and "real property" may be used interchangeably.

Rent means to lease, sublease, assign, let or otherwise grant for a consideration the right to occupy premises not owned by the occupant.

Respondent means any person against whom a complaint is filed pursuant to this article.

Sale includes any contract to sell, exchange, convey, transfer or assign legal or equitable title to, or a beneficial interest in, real property.

Sex means the state of being a male or female gender, and includes pregnancy, child birth, or medical conditions related to pregnancy or child birth.

Sexual orientation means actual or perceived heterosexuality, homosexuality, or bisexuality the condition of being heterosexual, homosexual, or bisexual.

Sec. 62-32. City of Miami Beach Human Rights Ordinance.

This article shall be known and may be cited as the "City of Miami Beach Human Rights Ordinance.

Sec. 62-323. Purpose; declaration of policy.

In the city, with its cosmopolitan population consisting of people of every race, color, national origin, religion, gender, gender identity, sexual orientation, marital and familial status, and age, some of them who are disabled as defined under Section 62-31 hereof, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of prejudice against one another and antagonistic to each other because of differences of race, color, national origin, religion, sex, gender identity, sexual orientation, marital and familial status, age, or disability. The city finds and declares that prejudice, intolerance, bigotry and discrimination and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the very institutions, foundations and bedrock of a free, democratic society.

The general purpose of this article and the policy of the city, in keeping with the laws of the United States of America and the spirit of the state constitution, is to promote through fair, orderly and lawful procedure the opportunity for each person so desiring to obtain employment, housing and public accommodations of the person's choice in the city without regard to race, color, national origin, religion, ~~gendersex~~, ~~sexual orientation~~, ~~gender identity~~, ~~sexual orientation~~, ~~disability~~, ~~marital status~~, ~~and~~ ~~familial status~~, ~~or~~ ~~age~~, ~~or~~ ~~disability~~, and, to that end, to prohibit discrimination in employment, housing and public accommodations by any person.

Sec. 62-34. City of Miami Beach Human Rights Committee established.

Effective April 15, 2010, there shall be established a City of Miami Beach Human Rights Committee, which shall be a standing committee of the city.

Sec. 62-35 Membership.

(a) The committee shall consist of a minimum of five (5) and a maximum of eleven (11) members, with one (1) out of every five (5) members who shall also serve as the chair of the committee, to be a direct appointment by the Mayor, and with the remaining members to be at-large appointments of the city commission.

(b) The members of the committee shall reflect, as nearly as possible, the diversity of individuals protected under the City's Human Rights Ordinance. In keeping with this policy, not less than two (2) months prior to making appointments or re-appointments to the committee, the city manager shall solicit nominations from as many public service groups and other sources, which he/she deems appropriate, as possible.

(c) At least one (1) of the committee members shall possess, in addition to the general qualifications set forth herein for members, a license to practice law in the State of Florida; be an active member of and in good standing with the Florida Bar; and have experience in civil rights law. The attorney member shall also serve as chair of the committee.

(d) Members shall serve without compensation.

Sec. 62-36 Meetings; conduct of business.

(a) Regular meetings of the committee shall be held at least monthly.

(b) The city manager shall provide such adequate and competent administrative, technical and clerical personnel as may be reasonably required for the proper performance of the committee's duties.

Sec. 62-37 Duties and powers.

The committee shall have the following advisory duties, functions, powers, and responsibilities:

(a) to study, advise, and make recommendations to the city manager and city commission for:

(i) legislation on policies, procedures, and practices which would further the purposes of this article;

(ii) developing human relations plans and policies for the city to consider and making investigations and studies appropriate to effectuate the purposes of this article;

(b) to inform persons of the rights assured and remedies provided under this article, and to promote goodwill, and minimize or eliminate discrimination because of race,

color, national origin, religion, sex, sexual orientation, gender identity, disability, marital and familial status, or age;-

(c) to call conferences of persons in the industries of housing, public accommodations, and employment in the city to acquaint them with the requirements of this article and, without limitation, the City of Miami Beach Human Rights Ordinance, and to endeavor with their advice to develop programs of voluntary compliance and enforcement;- And

(d) to hear appeals from the city manager's determination of no probable cause, where appropriate and necessary; and designate committee members to hear, in an advisory capacity to the hearing examiner, complaints alleging unlawful discrimination practices; and provide the hearing examiner (through the designated committee members) with a non-binding advisory recommendation prior to final disposition of the complaint.

The City's adoption of any committee recommendations (pursuant to those powers and duties which may be exercised by the committee under subsections (a) – (d) above, including, without limitation, recommendations that the city enact any legislation; plans, policies and procedures; call for studies and/or investigations; call for conferences; enact any programs; and/or distribute educational/informational materials—all with the purpose of furthering and effectuating the mission of the City of Miami Beach Human Rights Ordinance and this article), shall be subject to prior approval of the city commission, and such approval (if given at all) shall be further subject to funding availability.

DIVISION 2. ADMINISTRATION

Sec. 62-56. Administrative authority; powers and duties.

(a) The provisions of this article shall be administered and enforced by the city manager or his/her designee (The city manager or his/her designee shall hereinafter be referred to as the "administrator"). For purposes of administration of the provisions of this article, the city manager or his designee shall be the administrator.

(b) The administrator's powers and duties include the following:

- (1) Rreceive written complaints as provided by this article relative to alleged unlawful discriminatory practices, and transmit those complaints ~~to a mediator for proper handling;-~~
- (2) Eestablish, administer or review programs at the request of the city commission and make reports on such programs to the city commission;-
- (3) Rrender to the city commission annual written reports of activities under the provisions of this article, along with such comments and recommendations as the administrator may choose to make;-
- (4) Cooperate with and render technical assistance to federal, state, local and other public and private agencies, organizations and institutions that are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this article;-
and
- (5) Conduct educational and public information activities at the request of the city commission that are designed to promote the policy of this article.

Sec. 62-57. Religious organizations.

The provisions in this article relating to sexual orientation shall not apply to any religious organization, association, society or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society.

Sec. 62-58. Filing of a complaint and time limit.

(a) Any person alleging that an unlawful discriminatory practice has occurred may must file a verified, written complaint with the administrator within 180 days after the alleged unlawful discriminatory practice occurred.

(b) The complaint may be filed by personal delivery, ordinary mail, registered mail or certified mail, addressed to the office of the city manager.

Sec. 62-59. Information on complaint.

(a) A complaint of an unlawful discriminatory practice must be in writing, either on a form promulgated by the city administration (and approved by the administrator) or on any paper suitable for a complaint. The complaint shall be signed by the person making the complaint (hereinafter, the "complainant"); shall be sworn to or affirmed; and shall, at a minimum, shall state the full name and address, if known, of the respondent, complainant, the full name and address of each respondent against whom the complaint is made, and who are alleged to have committed the unlawful discriminatory practice; the facts upon which the complaint is based; and other such information as may be required by as the administrator requires.

(b) A complaint shall not be within the jurisdiction of the City of Miami Beach Human Rights Ordinance if:

- (1) the complaint has been filed more than 180 days after the alleged unlawful discriminatory practice occurred;
- (2) the complainant has previously initiated, or initiates, a civil action in a court of competent jurisdiction alleging an unlawful discriminatory practice with respect to the same grievance which is the subject of the complaint under this article; or
- (3) the complainant has previously filed, or files, an action or proceeding before any administrative agency under any other law of the state, county, or city (including, without limitation, an agency with duties and powers similar to those prescribed in this article) alleging an unlawful discriminatory practice with respect to the same grievance which is the subject of the complaint under this article, and the administrative agency is either proceeding with its own investigation of the complaint or final determination has been made thereon.

Sec. 62-60. Notification of respondent; answer.

(a) The administrator shall, within ~~twenty (20)~~ forty-five (45) days after the filing of a verified, written complaint of an unlawful discriminatory practice, ~~or the identification of an additional respondent to a complaint,~~ serve on ~~each~~ the respondent, by certified mail or personal delivery, a copy of the complaint and a notice identifying the alleged unlawful discriminatory practice and advising each respondent of the procedural rights and obligations of respondents under this article.

(b) ~~Each respondent may file, w~~Within twenty (20) forty-five (45) days after a copy of the complaint is served upon the respondent by the administrator, the respondent may file an answer thereto. If an answer is filed, the administrator shall cause a copy of such answer to be served upon the complainant receipt of notice from the administrator, an answer to such complaint. If an answer is filed, the answer shall be in writing and contain, at a minimum, a separate and specific response to each and every particular of the complaint or a denial of any knowledge or information thereof sufficient to form a belief. Any allegation in the complaint which is not denied shall be deemed admitted. If the respondent elects not to answer the complaint (i.e. and an answer to the complaint is not filed), then the hearing shall proceed on the evidence in support of the complaint.

Sec. 62-61. Amending complaints or answers.

A complaint of an unlawful discriminatory practice, or answer (if filed), may be amended in writing at any time when it would be fair and reasonable to do so, so long as the administrator will have adequate time to investigate any additional allegations and the parties will have adequate time to present the administrator, mediator, or hearing examiner (as the case may be) with evidence concerning such allegations before the issuance of findings of fact and a determination, and ~~the~~ The administrator shall furnish a copy of each amended complaint or answer to the respondent or complainant, respectively, as promptly as practicable. For jurisdictional purposes, such amendments shall be related back to the date the original complaint was first filed.

Sec. 62-62. Investigation of complaints.

(a) Whenever a verified, written complaint is filed pursuant to this article, the administrator, at his or her sole option and election, shall either designate a member of his/her administrative staff, or retain an outside consultant/investigator, who shall make a full and prompt investigation in connection therewith (including a prompt and full investigation of the alleged unlawful discriminatory practice), and forward to the administrator a written summary of the investigation. In the event that the administrator retains an outside investigator, he/she shall first report same to the city commissioners through the "Letter to Commission" (LTC) process, indicating the name, qualifications and other curriculum vitae of the investigator; and the proposed fee for the investigation. Any city commissioner may place the administrator's proposed retention of an outside investigator for discussion by the full city commission; provided that the item must be placed on the agenda of the next city commission meeting immediately following the administrator's issuance of the LTC.

(b) The administrator may determine, upon conclusion of the investigation and review of the written summary, that (i) the complaint has no validity; (ii) the respondent charged in the complaint has not engaged in or is not engaging in the alleged unlawful

discriminatory practice; and/or (iii) the complaint is not within the jurisdiction of the City of Miami Beach Human Rights Ordinance. Such determination shall be issued in writing. With respect to the written determination, "issued" shall be defined as the date signed by administrator. Upon issuance, the administrator's findings of fact, determination and order may not be amended or withdrawn except upon the agreement of the parties or, by the administrator, in response to an appeal taken pursuant to subsection 62-62(d) below; provided, however, that the administrator may correct clerical mistakes or errors arising from oversight or omission.

(c) If, upon conclusion of the investigation and review of the written summary, the administrator finds that probable cause exists for the allegations made in the complaint, such determination shall also be made in writing. Upon issuance, the written determination shall be furnished promptly to the complainant and respondent.

(d) **Determination of no probable cause; appeal from and dismissal.** If a determination is made by the administrator that no probable cause exists for the allegations made in the complaint, the complainant shall have the right to appeal such determination to the committee within thirty (30) days of the issuance of the written determination, by filing a written statement of appeal with the committee. The committee shall promptly deliver a copy of the statement to the administrator and the respondent, and shall, at a duly noticed meeting of the committee, promptly consider and act upon such appeal by either (i) affirming the administrator's determination, or (ii) remanding it to the administrator with appropriate instructions. In the event no appeal is taken or such appeal results in affirmance; or, if remanded on appeal (and on remand), the administrator still determines that no probable cause exists, the determination of the administrator shall be final; the complaint shall be closed with a ministerial finding of no probable cause or no jurisdiction; the complainant and the respondent shall be promptly notified, in writing; and the complaint shall be dismissed.

Sec. 62-623. MediatorMediation.

(a) If a determination is made by the administrator that probable cause exists to believe that an unlawful discriminatory practice has occurred, or is occurring, the administrator shall first endeavor to resolve the complaint by mediation. A mediator shall be appointed by the city manager. At his or her election, the administrator may serve as the mediator, or (in consultation with the city attorney) the administrator may appoint an independent mediator to act as a neutral third person to encourage and facilitate the resolution of anythe complaint, filed pursuant to the terms of this article. The independent mediator shall be an individual who shall have been determined by the city manager, administrator and city attorney to have the knowledge, skills, and abilities to perform in such capacity as mediator. In the event that the administrator appoints an independent mediator, the costs for mediation shall be shared equally by the complainant and the respondent.

Sec. 62-63. Processing complaints.

(b) Within 30 days after service of a complaint, the administrator shall attempt to informally resolve the complaint between the parties, and if the complaint is not resolved informally, the administrator shall refer the complaint to a The mediator, who shall attempt to mediate the dispute and to report to the city manager, administrator and the

city attorney on the results of the mediation efforts within 120 days of commencement of mediation receiving the mediation assignment.

Sec. 62-64. Mediation; mediation agreements.

(c) If the parties in an alleged unlawful discriminatory practice desire to mediate, the terms of the mediation shall be reduced to writing in the form approved by the mediator, and must be signed and verified by the complainant and respondent, and approved by the mediator. The mediation agreement is shall constitute an agreement between the complainant and respondent; is shall be for mediation purposes only; and does shall not constitute an admission by any party that the law has been violated.

(d) If the respondent complies with the recommendations under the mediation agreement, the matter shall be deemed settled and terminated and no further proceedings with regard to the complaint need be taken.

Sec. 62-65. Proceeding before hearing examiner; decision and orderspecial master.

(a) In the event mediation fails to resolve a complaint, or after 120 days have passed from commencement of mediation, in which the City of Miami Beach is a respondent the administrator shall refer the complaint shall be referred to the city attorneyan independent counsel selected by the chief special master. If the independent counsel has reasonable cause to believe that a violation of this article has occurred, he shall present The city attorney shall prosecute the complaint tobefore a hearing examiner special master, who. The hearing shall be conducted a hearing pursuant to the procedures set forth in section 30-72; provided, however, that if the city attorney determines that there is no legal basis for a complaint to be filed, or for the proceedings to continue, the complaint shall be dismissed, and a statement of the reasons therefor shall be filed with the administrator, with copies furnished to the complainant and respondent. The city attorney's determination shall be final.

(b) For purposes of this article, the hearing examiner shall be selected by the city's chief special master, and shall have the knowledge, skills and abilities to perform in such capacity as special master with regard to hearing the particular complaint. At his or her election, the chief special master may either select one of the city's sitting special masters, or a hearing examiner pro tempore, appointed by the chief special master from a list approved by the city commission (and having the knowledge, skills and abilities to perform in the capacity of special master with regard to hearing the particular complaint).

(c) The committee, after notice of the date of hearing from the hearing examiner, shall, appoint two (2) members of the committee who have not otherwise been involved in the charge, investigation, fact-finding, or other resolution and proceedings on the merits of the case, who have not formed an opinion on the merits of the case, and who have no pecuniary, private or personal interest or bias in the matter, to hear the case with the hearing examiner. The committee designated representatives, shall act in an advisory capacity to the hearing examiner. The hearing examiner shall preside over the hearing, serve as the chair, and make all evidentiary rulings; provided, however, that following conclusion of the hearing but prior to the hearing examiner's ruling on the case, as provided in subsection 62-64(d) below, the designated committee members shall

issue their non-binding advisory recommendation to the hearing examiner as to whether, based on the evidence presented, a violation of this article has occurred.

(d) Within ten (10) days of the conclusion of the hearing, the ~~special master~~ hearing examiner shall issue written findings of fact and conclusions of law, and a determination as to whether a violation of this article has occurred, which Copies shall be sent by certified mail to the complainant and the respondent, with copies also sent to the administrator, city attorney, and the ~~committee~~city manager for appropriate consideration.

~~(b) If mediation fails to resolve a complaint other than one covered in subsection (a) of this section, the complaint shall be referred to the city attorney. If the city attorney has reasonable cause to believe that a violation of this article has occurred, he shall present the complaint to a special master pursuant to the procedures set forth in chapter 30 of this Code.~~

Sec. 62-65. Penalties; compliance investigation.

(a) Any person(s) found in violation pursuant to this subsection of this article shall be subject to the following penalties:

- (1) For a first finding of an unlawful discriminatory practice within a five (5)-year period, up to \$1,000.00;
- (2) For a subsequent finding of an unlawful discriminatory practice within a five (5)- year period, up to \$5,000.00; and
- (3) Notwithstanding subparagraphs (1) and (2), for a finding of an unlawful discriminatory practice which is irreparable or irreversible in nature, up to \$15,000.00.

(b) In determining the amount of the fine, if any, the ~~special master~~ hearing examiner shall consider the following factors:

- (1) The gravity of the violation;
- (2) Any actions taken by the violator to correct the violation; and
- (3) Any previous violations committed by the violator.

(c) In addition to the fines which may be imposed in subsection (a), the following penalties may also be applied:

- (1) In the event of a finding of discrimination in either public accommodations, housing, or employment, a letter may be sent asking that the alleged offender desist from the actions complained of.
- (2) In the event of a finding of discrimination in public accommodations where the alleged offender holds a license to sell alcoholic beverages, the hearing examiner may request that the administrator refer the violation to the appropriate state agency to determine whether due cause exists under applicable state law to revoke such license.
- (3) In the event of a finding of discrimination in either public accommodations, housing, or employment where the alleged offender holds an occupational license issued by the city or is doing business with the city pursuant to a contract, the hearing examiner may request

that the administrator direct the appropriate city department to conduct an investigation to determine whether due cause exists to revoke such license or contract.

(4) In the event of a finding of discrimination in either public accommodations, housing, or employment, the hearing examiner may request that the administrator direct the appropriate city department to conduct an investigation to determine whether the alleged offender has violated any other city ordinance which applies to the alleged discriminatory conduct.

(5) In the event of a finding of discrimination in either public accommodations, housing, or employment, the hearing examiner may request that the administrator refer the alleged discriminatory practice to the appropriate and applicable state and/or federal agency(ies) for further investigation, action, and handling (including, without limitation, determination by such appropriate/applicable agency(ies) as to whether the alleged offender has violated any state or federal law which applies to the alleged discriminatory conduct).

(ed) TheA-special-master hearing examiner may reduce a fine imposed pursuant to this article section in accordance with the procedures contained in chapter 30 of this Code.

(e) Compliance investigation. Not later than one (1) year from the date of a mediation agreement or findings after hearing, and at any other times (in his or her discretion) the administrator shall investigate, or may direct the committee to investigate, whether the respondent is complying with the terms of such agreement or recommendations.

Sec. 62-66. Additional remedies.

The procedures prescribed by this article do not constitute an administrative prerequisite to another action or remedy available under other law. Further, nothing in this article shall be deemed to modify, impair, diminish, limit or otherwise affect any right or remedy conferred by local, state or federal law.

SECTION 2.

That Chapter 62, Article II, Division 3, Sections 62-88.1 and 62-90 is hereby amended as follows:

DIVISION 3. REGULATIONS

* * * *

Sec. 62-88.1. Discrimination in public services.

No individual shall, by reason of race, color, national origin, religion, ~~gendersex~~, sexual orientation, gender identity, ~~marital status~~, ~~and~~ familial status, or age, nor any qualified individual with a disability shall, by reason of disability, be excluded from participation in or be denied the benefits of the public services of the city, or be subjected to discrimination by the city.

* * * *

Sec. 62-90. Use of municipal facilities.

The use of municipal facilities in the city shall be regulated pursuant to the provisions of this section. The purpose and intent of this section is to establish legislative and administrative policies for the non-discriminatory use of municipal facilities, which shall be defined as any and all city-owned and operated facilities including buildings, parks, fields, and any other facility now or in the future owned, controlled, leased, or operated by the city. All organizations, clubs, and individuals wishing to obtain any fee waiver to use municipal facilities shall confirm in writing as follows:

I [name of organization, club, or person] the [title] of [name of organization or club], certify that I/my organization or club does not discriminate in its membership or policies based on race, color, national origin, religion, ~~sexgender~~, sexual orientation, gender identity, ~~familial status and marital status~~, age or disability-handicap.

Sec. 62-91. Municipal funds.

Municipal funding of organizations or clubs shall be regulated pursuant to this section. The purpose and intent of this section is to establish legislative and administrative policies for the award of municipal funds to organizations or clubs that do not discriminate in their membership or policies. All organizations or clubs wishing to obtain municipal funding shall confirm in writing as follows:

I [name of organization or club] the [title] of [name of organization or club], certify that my organization/club does not discriminate in its membership or policies based on race, color, national origin, religion, ~~sexgender~~, sexual orientation, gender identity, ~~familial status, and marital status~~, age or ~~handicap~~disability.

SECTION 3.

That Chapter 62, Article II, Division 4, Sections 62-112(c) is hereby amended as follows:

DIVISION 4. EXCEPTIONS

Sec. 62-112. Housing.

* * * *

(c) Nothing contained in this article shall preclude the seller, developer, condominium association, lessor, property owner, or that person's authorized agent from setting forth reasonable rules, regulations, terms and conditions pertaining to the sale, lease or disposal of that person's property provided such rules, regulations, terms and conditions are not based on race, color, religion, ~~sex~~gender, sexual orientation, gender identity, national origin, age, ~~handicap~~disability, familial status, or marital status and provided there is no conflict with the affirmative provisions set forth in this article. Furthermore, nothing in this article shall preclude reasonable rules, regulations, or terms and conditions pertaining to the safe and prudent use by minors of facilities and amenities provided in conjunction with real property.

SECTION 4. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 6. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article," or other appropriate word.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect the 23 day of JANUARY, 2010; provided however that Sections 62-34 through 62-37 (pertaining to the establishment of the City of Miami Beach Human Rights Committee) shall not take effect until April 15, 2010.

PASSED and ADOPTED this 13 day of JANUARY, 2010.

ATTEST:

Munt Parker
CITY CLERK

Matt H. Bauer
MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

\\attc\AGUR\RESOS-ORD\Human Relations Ordinance - Chapter 62 (Final 1-13-10).doc

[Signature]
City Attorney
1-21-10
Date

EXHIBIT C



MEMORANDUM

Agenda Item No. 11(A)(13)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

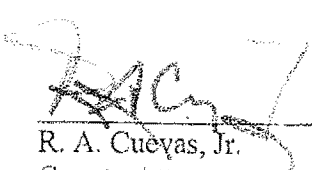
DATE: November 8, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing the County
and the Miami-Dade Commission on
Human rights to develop a joint public
service announcement, at no cost to the
County, with the Miami Beach Human
Rights Committee regarding the
County's and the City of Miami
Beach's Discrimination Ordinances

This substitute resolution differs from the original in that instead of requiring the County Mayor or the County Mayor's designee to post public service announcements all Metromover, Metrobus and Metrorail vehicles, it now requires the County Mayor or the County Mayor's designee to provide a report to the Board concerning the financial feasibility of developing, producing and posting Countywide public service announcements inside all Metrobus and Metrorail vehicles. The title of the item has also been changed to reflect the new directive to the County Mayor or the County Mayor's designee

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.


R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 8, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(13)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(13)
11-8-12

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE MIAMI-DADE COMMISSION ON HUMAN RIGHTS TO DEVELOP A JOINT PUBLIC SERVICE ANNOUNCEMENT, AT NO COST TO THE COUNTY, WITH THE MIAMI BEACH HUMAN RIGHTS COMMITTEE REGARDING THE COUNTY'S AND THE CITY OF MIAMI BEACH'S DISCRIMINATION ORDINANCES AND THE RIGHTS OF RESIDENTS OF AND VISITORS TO MIAMI-DADE COUNTY; AND REQUIRING A REPORT FROM THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE REGARDING THE FINANCIAL AND CONTRACTUAL FEASIBILITY OF DEVELOPING, PRODUCING AND POSTING SIMILAR PUBLIC SERVICE ANNOUNCEMENTS INSIDE ALL METROBUS AND METRORAIL VEHICLES

WHEREAS, the Miami-Dade Board of County the Commissioners ("Board") adopted Ordinance No. 97-17, as amended and as codified in Chapter 11A of the Code of Miami-Dade County ("County Ordinance"); and

WHEREAS, the Board exercising its police powers for the public safety, health and general welfare enacted the County Ordinance to eliminate and prevent discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation or source of income as it pertains to housing only; and

WHEREAS, pursuant to Sections 11A-3 and 11A-4 of the County Ordinance the Board established the Office of the Commission on Human Rights ("Commission Office") and >>quasi judicial board commonly known as<<¹ the >>Miami-Dade<< Commission on Human Rights ("Commission"), respectively; and

WHEREAS, the Commission Office and the Commission have been delegated the authority to enforce the provisions of the County Ordinance; and

WHEREAS, like the County, several municipalities in Miami-Dade County, such as the City of Miami Beach, have enacted similar anti-discrimination ordinances to protect their residents and visitors from alleged acts of discrimination in housing, employment and public accommodations; and

WHEREAS, the Board finds that oftentimes many residents of and visitors to Miami-Dade County are unaware of the County Ordinance and similar municipal ordinances as well as the existence of the Commission or similar municipal boards; and

WHEREAS, the Board finds that public service announcements ("Announcements") regarding the County Ordinance and the functions and responsibilities of the Commission are important tools to provide the residents of and visitors to Miami-Dade County with vital information concerning their rights under the County Ordinance; and

WHEREAS, the Miami Beach Human Rights [[the]] Committee (">>City<< Committee") during the Commission's February 28, 2012 meeting made a presentation concerning the rise in public accommodation discrimination cases on Miami Beach; and

WHEREAS, the >>City<< Committee and the Commission have urged the Board to authorize the use of Announcements to educate residents of and visitors to Miami-Dade County

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

as evidenced by the resolution adopted by the Commission, which is attached hereto and incorporated by reference; and

WHEREAS, the >>City<< Committee has requested that the Commission co-sponsor Announcements, at no cost to the County, that highlights the functions of both boards, the >>existence of the<< County Ordinance and the City of Miami Beach Human Rights Ordinance; and

WHEREAS, the >>City<< Committee further proposes to post these Announcements >>, at no cost to the County,<< on Miami-Dade County buses which link Miami Beach to the Miami International Airport and Miami Beach local buses; and

WHEREAS, there will be no fiscal impact to Miami-Dade County to participate in this joint Announcements with the >>City<< Committee; and

WHEREAS, the Board [~~concurs in the Commission's findings that developing such Announcements is in the best interest of Miami-Dade County, the City of Miami Beach, and to the residents of and visitors to our County]] >>wishes to know the fiscal and contractual feasibility of the installing of Countywide Announcements inside all Metrobus and Metrorail vehicles; and<<~~

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved are incorporated by reference.

Section 2. [~~The Board directs the County Mayor or the County Mayor's designee to develop Announcements to be posted on all Miami-Dade County buses, Metrorails, and~~

~~Metromovers pertaining to the County Ordinance, the Commission and the rights of residents and visitors under the ordinance.~~

~~Section 3.]]~~ The Board ~~[[authorizes]]~~ >>hereby directs the County Mayor or the County Mayor's designee and<< the Commission to develop >>a<< joint Announcement~~[[s]]~~ >>, at no cost to the County<< with the >>City<< Committee to be posted on Miami-Dade buses linking Miami Beach to the Miami International Airport and South Beach local buses. Said Announcements will highlight the County Ordinance, the City of Miami Beach Human Rights Ordinance, and the functions of the Commission and the Committee.

Section [[4]]>>3. The Board hereby directs the County Mayor or the County Mayor's designee to provide a report within ninety (90) days of the effective date of this resolution regarding the financial feasibility of developing, producing and posting Countywide Announcements inside all Metrobus and Metrorail vehicles.<< The Board directs the ~~[[clerk]]~~ >>Clerk<< of the Board to provide copies of this resolution to the Committee and the Commission upon the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is the Commissioner Barbara J. Jordan. It was offered by the Commissioner _____, who moved its adoption. The motion was seconded by the Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of November, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Terrence A. Smith

RESOLUTION NO. CHR-2012-01

RESOLUTION URGING THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS TO ADOPT A RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO DEVELOP PUBLIC SERVICE ANNOUNCEMENTS TO BE POSTED ON ALL MIAMI-DADE TRANSIT BUSES, METRORAILS AND METROMOVERS PERTAINING TO THE COUNTY'S DISCRIMINATION ORDINANCE AND THE RIGHTS OF RESIDENTS OF AND VISITORS TO MIAMI-DADE COUNTY; AND URGING THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS TO AUTHORIZE THE MIAMI-DADE COMMISSION ON HUMAN RIGHTS TO DEVELOP JOINT PUBLIC SERVICE ANNOUNCEMENTS WITH THE MIAMI BEACH HUMAN RIGHTS COMMITTEE

WHEREAS, the Miami-Dade Board of County Commissioners ("Board") adopted Ordinance No. 97-17, as amended and as codified in Chapter 11A of the Code of Miami-Dade County ("County Ordinance"); and

WHEREAS, the Board exercising their police powers for the public safety, health and general welfare enacted the County Ordinance to eliminate and prevent discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation or source of income as it pertains to housing only; and

WHEREAS, pursuant to Sections 11A-3 and 11A-4 of the County Ordinance the Board established the Office of the Commission on Human Rights ("CHR Office") and the Commission on Human Rights ("CHR"), respectively; and

WHEREAS, the CHR Office and CHR have been delegated the authority to enforce the provisions of the County Ordinance; and

WHEREAS, like the County, several municipalities in Miami-Dade County, such as the City of Miami Beach, have enacted similar discrimination ordinances to protect their residents and visitors from alleged acts of discrimination in housing, employment and public accommodations; and

WHEREAS, the CHR finds that oftentimes many residents of and visitors to Miami-Dade County are unaware of the County Ordinance and similar municipal ordinances as well as the existence of CHR or similar municipal boards; and

WHEREAS, the CHR finds that public service announcements ("PSA") regarding the County Ordinance and the functions and responsibilities of the CHR are important tools to provide the residents of and visitors to Miami-Dade County with vital information concerning their rights under the County Ordinance; and

WHEREAS, the Miami Beach Human Rights Committee (MBHRC) during the CHR's February 28, 2012 meeting made a presentation concerning the rise in public accommodation discrimination cases on Miami Beach; and

WHEREAS, MBHRC concurs with the CHR's findings concerning the use of PSAs to educate residents of and visitors to Miami-Dade County; and

WHEREAS, MBHRC has requested that the CHR co-sponsor a PSA that highlights the functions of both boards, the County Ordinance and the City of Miami Beach Human Rights Ordinance; and

WHEREAS, MBHRC further proposes to post these PSAs on Miami-Dade County buses which link Miami Beach to the Miami International Airport as well as South Beach local buses; and

WHEREAS, MBHRC has advised the CHR that there will be no cost to Miami-Dade County to participate in this joint PSA; and

WHEREAS, the CHR finds that a joint PSA will be in the best interest of Miami-Dade County, the City of Miami Beach, and to the residents and visitors to our County; and

WHEREAS, CHR does not have the authority to agree to jointly participate in this PSA without the consent of the Board,

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COMMISSION ON HUMAN RIGHTS, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved are incorporated by reference.

Section 2. The CHR urges the Miami-Dade Board of County Commissioners to adopt a resolution directing the County Mayor or the County Mayor's designee to develop PSAs to be posted on all Miami-Dade County buses, Metrorails, and Metromovers pertaining to the County Ordinance and the rights of residents and visitors under the ordinance.

Section 3. The CHR urges the Miami-Dade Board of County Commissioners to adopt a resolution authorizing the CHR to develop a joint PSA with MBHRC to be posted on Miami-Dade buses linking Miami Beach to the Miami International Airport and South Beach local buses. Said PSAs will highlight the County Ordinance, the City of Miami Beach Human Rights Ordinance, and the functions of CHR and MBHRC.

Section 4. The CHR directs the Director of the Office to provide a copy of this resolution to the Miami-Dade Board of County Commissioners.

It was offered by Commission on Human Rights Member Mr. John Riley, who moved its adoption. The motion was seconded by Commission on Human Rights Member Mr. Ronald Lieberman and upon being put to a vote, the vote was as follows:

	Eduardo Hernandez, Chair	Aye
	Karina Duenas-Aragon, 2 nd Vice Chair	Absent
Faye Davis	Aye	Rene Gonzalez-Llorens
John Riley	Aye	Patricia Ford
Judith Jackson Chorlog	Aye	Ronald Lieberman
Victor Romano	Aye	Kenneth Kilpatrick
Kionne McGhec	Absent	Marta Navarro
Sabrina Salomon	Aye	Yvonne Sepulveda
Rosario Saavedra-Roman	Aye	Dionne Stephens
Patricia Wright	Absent	Rob Collins
Lorenzo Cobiella	Absent	Yara Lorenzo

The Chairperson thereupon declared the resolution duly passed and adopted this *March 8*, 2012.

MIAMI-DADE COMMISSION ON
HUMAN RIGHTS

By *Travis B. Bryant*
Clerk of Commission on Human Rights

Approved by County Attorney as
to form and legal sufficiency.

TAS

Terrence A. Smith
Assistant County Attorney



EXHIBIT D

MBHRC RESOLUTION NO. 2012-001

RESOLUTION OF THE CITY OF MIAMI BEACH HUMAN RIGHTS COMMITTEE URGING THE MAYOR AND CITY COMMISSION TO AMEND THE CITY'S HUMAN RIGHTS ORDINANCE TO REQUIRE THE POSTING OF NOTICES IN EVERY PLACE OF EMPLOYMENT AND PUBLIC ACCOMMODATION THAT FALLS SUBJECT TO THE HUMAN RIGHTS ORDINANCE, INDICATING THE APPLICABLE SUBSTANTIVE PROVISIONS OF THE HUMAN RIGHTS ORDINANCE, THE PLACE WHERE COMPLAINTS MAY BE FILED AND SUCH OTHER INFORMATION AS THE CITY OF MIAMI BEACH DEEMS PERTINENT

WHEREAS, on January 13, 2010, the Mayor and City Commission of the City of Miami Beach adopted Ordinance 2010-3669, amending the City of Miami Beach Human Rights Ordinance; and

WHEREAS, the Miami Beach Human Rights Ordinance established the City of Miami Beach Human Rights Committee, which has as one of its principle duties recommending to the City Manager and the City Commission legislation that would further the purpose of eliminating and preventing discrimination in employment and public accommodations because of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, marital and familial status, or age; and

WHEREAS, the Miami Beach Human Rights Committee finds that oftentimes many residents and visitors to Miami Beach are unaware of the City's Human Rights Ordinance; and

WHEREAS, the Miami Beach Human Rights Committee finds that amending the Miami Beach Human Rights Ordinance to require every person being the owner, lessee, sub-lessee, assignee, or managing agent of public accommodations subject to the Miami Beach Human Rights Ordinance to post and maintain at such public accommodations, in conspicuously and easily accessible well-lighted place where they may be readily observed by those seeking or visiting such public accommodations, notices furnished by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinances relative to public accommodations, the place where complaints may be filed and such other information as the City of Miami Beach deems pertinent, to be an important tool to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance; and

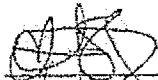
WHEREAS, the Miami Beach Human Rights Committee finds that amending the Miami Beach Human Rights Ordinance to require every employer subject to the Miami Beach Human Rights Ordinance to post and maintain at its offices, places of employment or employment training centers, in a conspicuously and easily accessible and well-lighted place customarily frequented by employees and applicants for employment, notices furnished by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinance relative to employment, the place where complaints may be filed and such other information as the City of Miami Beach deems pertinent, to be an important tool to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI BEACH HUMAN RIGHTS COMMITTEE, that:

Section 1. The foregoing recitals are incorporated in this resolution, and are approved and incorporated by reference.

Section 2. The Miami Beach Human Rights Committee urges the Mayor and City Commission of the City of Miami Beach to amend the Human Rights Ordinance to incorporate such notice requirements to be posted in all public accommodations and places of employment that are subject to the Miami Beach Human Rights Ordinances, in order to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance.

PASSED and ADOPTED this 19th day of June 2012.



Elizabeth Schwartz, Esq. – Chair
Miami Beach Human Rights Committee

Offered by Miami Beach Human Rights Committee Member Walker C. Burttschell, who moved its adoption. The motion was seconded by Miami Beach Human Rights Committee Vice Chair Alan B. Fishman, and upon being put to a vote, the vote was as follows:

Elizabeth Schwartz, Esq., Chair – Aye
Alan B. Fishman, Esq., Vice Chair – Aye

Michael T. Andrews – Aye (Appeared Telephonically)
Walker C. Burttschell – Aye
Dr. Todd M. Narsen – Absent
CJ Ortuno – Aye
Dr. Barry Ragone – Absent
Rafael Trevino – Absent
William Warren, Jr. – Aye

MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. 162-2012

LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DP for JMG

DATE: June 20, 2012

**SUBJECT: TRANSMITTAL OF MIAMI BEACH HUMAN RIGHTS COMMITTEE
RESOLUTION NO. 2012-001 - Posting of Public Notices**

This LTC is to inform you that the Miami Beach Human Rights Committee (MBHRC) adopted the enclosed resolution at their June 19, 2012 meeting, pertaining to the City's Human Rights Ordinance.

The MBHRC is urging the City Commission to amend the City's Human Rights Ordinance (No. 2010-2669) adopted on January 13, 2010, to incorporate notice requirements to be posted in all public accommodation and places of employment, which are subject to the Miami Beach Human Rights Ordinance, in order to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance.

If you have any questions, please contact the City Clerk's Office at 305.673.7411.

JMG:REG/lh

Enclosure: Resolution 2012-001

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CITY CLERK'S OFFICE

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